New Planning for Ontario

Ontario

Final Report

John Sewell, Chair
George Penfold, Commissioner
Toby Vigod, Commissioner

June 1993

New Planning for Ontario

Commission on Planning
and Development Reform in Ontario

Nouvel aménagement du territoire pour l'Ontario

Commission sur la réforme de l'aménagement
et l'exploitation du territoire en Ontario

June 1993

Ontario

The Honourable Ed Philip
Minister of Municipal Affairs

Dear Mr. Minister:

We are very pleased to submit to you the Final Report of the Commission on Planning and Development Reform in Ontario.

The recommendations in this report are based on the energy and hard work of thousands of people across Ontario. We are confident this report outlines a workable agenda for new planning in Ontario.

Yours very truly,

John Sewell
Chair

George Penfold
Commissioner

Toby Vigod
Commissioner

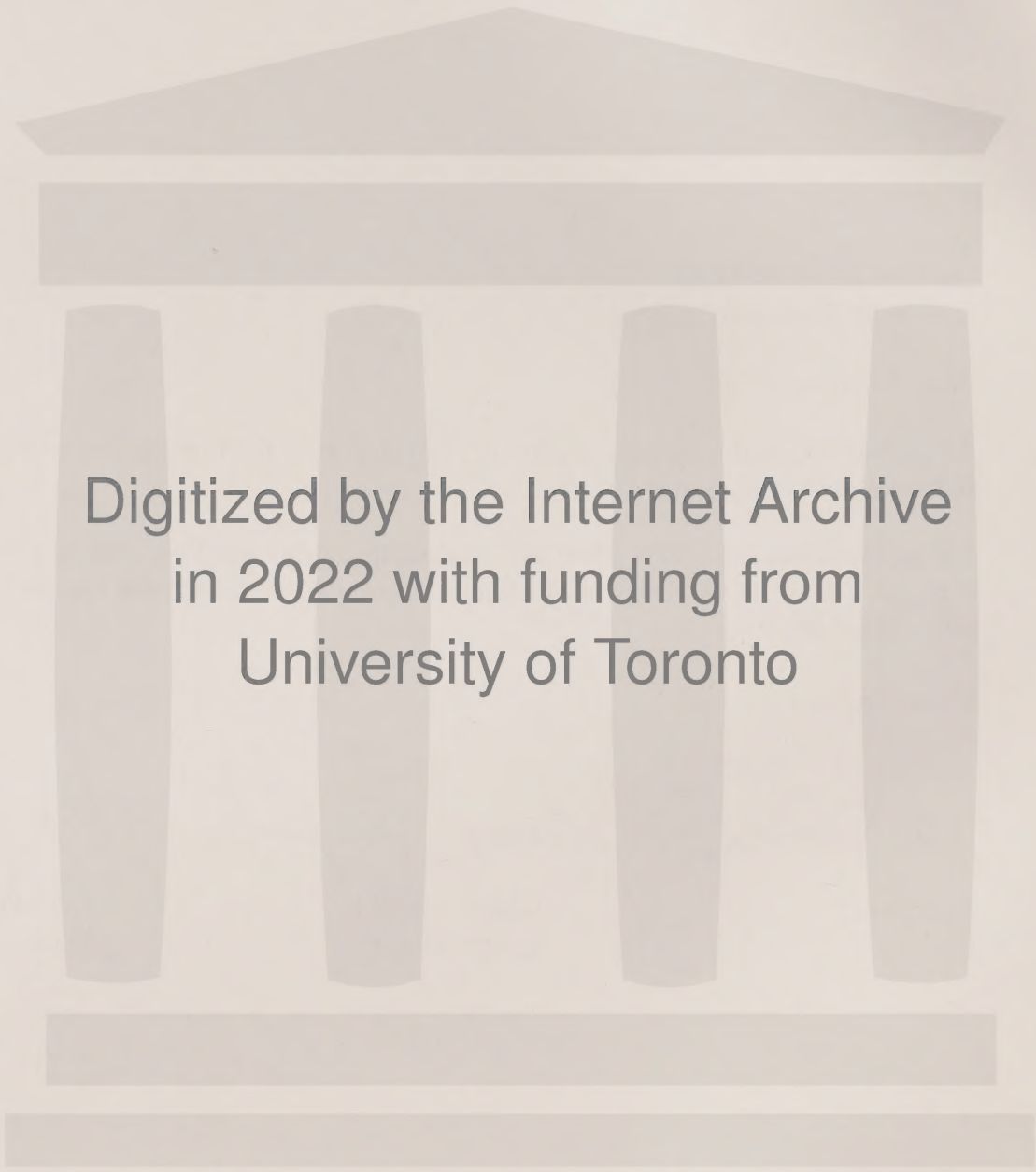
John Sewell
Chair
président

George Penfold
Commissioner
commissaire

Toby Vigod
Commissioner
commissaire

180 Dundas St. W., 22nd Floor, Toronto, Ont. M5G 1Z8
Tel: (416) 325-8734 Fax: (416) 325-8739

22e étage, 180 rue Dundas ouest, Toronto, Ontario M5G 1Z8
Tel: (416) 325-8734 Fax: (416) 325-8739



New Planning for Ontario

Final Report

The Commission appreciates the time, energy, and hard work that thousands of people across the province have put into submissions, presentations, and meetings. This report is built on the ideas they shared with us.

Canadian Cataloguing in Publication Data

Commission on Planning and Development Reform in Ontario.
New planning for Ontario : final report of the Commission on Planning and Development Reform in Ontario

Commissioners: John Sewell (Chair), George Penfold, Toby Vigod.
Issued also in French under title: Nouvel aménagement du territoire pour l'Ontario, rapport final de la Commission sur la réforme de l'aménagement et l'exploitation du territoire en Ontario.
ISBN 0-7778-1325-4

1. Land use—Ontario—Planning. I. Sewell, John, 1940- .
II. Penfold, G. E. (George Edward) III. Vigod, Toby. IV. Title V. Title: Final report of the Commission on Planning and Development Reform in Ontario.

HD319.O57C65 1993 346.71304'5 C93-092563-7

Copies of this report are available from the Commission until the end of July 1993.
Contact:

New Planning for Ontario
180 Dundas Street West, 22nd Floor
Toronto, Ontario M5G 1Z8.

Telephone (416) 325-8734
Toll-free in Ontario 1-800-267-4317
Fax (416) 325-8739.

After July 31, 1993, copies of this report are available for a charge from:

Publications Ontario
880 Bay Street
Toronto

Telephone (416) 326-5320.

Mail order customers may contact:

Publications Ontario
50 Grosvenor Street
Toronto, Ontario M7A 1N8.

Telephone (416) 326-5300
Toll-free in Ontario 1-800-668-9938
Fax (416) 326-5317.

The hearing impaired may call:

(416) 325-3408, or
Toll-free in Ontario 1-800-268-7095.


Printed on recycled paper

Ce document est aussi disponible en français

Contents

1
A New Approach to Planning

The Commission on Planning and Development Reform in Ontario was appointed on June 6, 1991, by the Honourable Dave Cooke, then Minister of Municipal Affairs. John Sewell was appointed Chair of the Commission, and George Penfold and Toby Vigod were appointed Commissioners. The Honourable Ed Philip became the new Minister of Municipal Affairs in February 1993.

The Commission was given a broad mandate to recommend changes to the *Planning Act* and related policy that would restore confidence in the integrity of the planning process, protect public interests, better define roles and relationships, focus more closely on protecting the natural environment, and make the planning process more timely and efficient. The Commission was specifically directed to consult widely and submit its Final Report by July 1, 1993.

At the time the Commission was appointed, the integrity of the planning system was being called into question, largely because of revelations about the influence of some developers in several municipalities. Concerns about the negative impact of land-use decisions on the natural environment and about the ability of the planning system to protect the natural environment had increased steadily over the previous decade. As well, there was mounting criticism over red tape and delays in the system.

Although these concerns emerged during a development boom, at the time the Commissioners began work the economy had turned sluggish and the province had entered a period of economic recession. The problem of coping with development pressure was replaced by concerns about jobs and the future, worries that continue to be evident as this Report is being completed.

This Final Report is the culmination of almost two years of extensive, provincewide consultation and study. The Commission heard many voices and received many submissions that contributed to its recommendations.

Strong Voices Across the Province

The need for change became very apparent as the Commission heard strong voices and opinions from all parts of the province.

Several themes emerged — support for more protection of the natural environment, concern about the economy, and general support for better, more local planning. Yet people in different parts of the province expressed different priorities.

It is important that these strong opinions be recognized at the beginning of this Report. Not taking them into account could result in recommendations which miss the passion and sense of caring about individual communities that are so evident throughout the province. Recognizing these voices will help create a more resilient and practical planning system.

Rural Areas

Many people told the Commission that rural Ontario is angry and disappointed. They said they thought rural Ontario was left out of decision-making, and was estranged from provincial government processes in Toronto. For them, the assets of rural Ontario were being held hostage to the whims of urbanites who want to use it either as a dumping place for their garbage, or as a retreat to the beauty of nature which has been destroyed in cities. Others saw the same influences as challenges that could be turned to economic advantage. Many expressed a

fierce pride in rural landscape and wanted to be assured the natural heritage would be protected.

Some said the Commission's early proposal to restrict the installation of new septic systems (since amended) was yet another attempt to control rural development, while others were pleased that a long-standing problem was finally being addressed.

Some residents felt it was more important to develop a program to improve the economic health of rural Ontario than to reform the planning system.

Agricultural Ontario

Those parts of rural Ontario with an agricultural base have problems of their own, centring on the viability of farming.

The tender-fruit farmers of the Niagara Peninsula made this point most forcefully, and the Commission heard the same story in such places as Chatham, London, Kingston, Peterborough, and Guelph. Why protect farmland, some argued, if the farmer can't make a living from it? Why are farmers asked to preserve farmland when it is the larger cities — particularly in the Greater Toronto Area — that have absorbed the best farmland in the past 40 years?

Others, however, argued strongly in a different direction. They urged effective protection for quality agricultural land now, to provide food security in the future.

Urban Ontario

Residents in cities and their suburbs expressed a variety of views. Some saw intensification as a natural next step for cities; others felt it would bring undesirable changes. The role of cities in addressing social issues and providing affordable housing was emphasized by some. Concern was expressed about safety in cities, and the need to improve the urban environment was articulated. Many supported more protection for the natural environment in and around cities, while some wanted a freer hand for economic initiatives.

Very few complained about large new office and apartment developments, which were the source of much discontent five years ago. Some saw the current slowdown as a chance for cities to catch their breath and plan for what might happen when the economy turns around. The malaise in the development sector was very apparent to the Commission, and it won't be alleviated by improvements to the planning process. It requires a newly invigorated economy.

Some recognized that public funds are insufficient to continue funding low-density development, but more seemed reluctant to make the hard choices just yet. Some councillors and residential developers hoped for the speedy return of the strong demand for large suburban houses on large lots, and argued that opportunities for this kind of development should be kept open.

Northern Ontario

The Commission admired the apparent resilience of Northern Ontario. Nothing seems easy in the North, but people there give the impression they can generally make their own way if given half a chance.

Northerners resent being controlled by decisions made in the South. The Commission heard numerous complaints about how this happens around planning issues, and many submissions urged an increase in decision-making for the North in the North.

The big issue looming in the background of many submissions was the cost of planning. Most northern communities are so small that even if they were to band together with their neighbours, many feel, there would not be sufficient financial resources to undertake the kind of planning that should be done. Some are concerned that provincial policy statements protecting natural resources might hamper economic development. Other Northerners, however, said that a healthy natural environment is the most significant resource for future jobs and economic opportunities.

Cottage Country

One area of Ontario that expects continued growth is cottage country. There seems to be enough money in the system to allow more people to take up recreational boating and spawn increasing numbers of cottages. As well, more and more cottages are becoming year-round homes.

The fear here is how much more development the local ecosystem can bear. The impact of failing septic systems and the limited carrying capacity of lakes and rivers are of great concern. Cottagers worry about the intrusion of boats; boaters worry about unfair restrictions and a lack of political voice.

A Common Complaint

In all parts of the province, people had complaints about the planning process. Almost all interests shared feelings of frustration and a sense that planning is an interminable process which produces unsatisfactory results. There were complaints about delay, red tape, and the time it takes to have an appeal heard. Some thought the process was difficult to gain access to and that everything was up for negotiation and nothing was certain — not even the official plan. Throughout the province, many thought the process did not adequately protect the natural environment.

Recommended Reforms in Brief

The challenge for the Commission was to design a planning system that accommodates considerable diversity and is resilient enough, given a wide range of opinions, to reach good conclusions. The Commission believes there is a common ground on the changes needed. One agreed-upon requirement for a reformed planning system is a consistent policy approach from the province applied with a reasonable degree of flexibility. Another is a strengthened and more timely process, which involves the public in a meaningful way. A third is strong municipal planning and decision-making.

It is not within the Commission's mandate to propose strategies for broad economic questions. However, municipalities should have available to them better tools to deal with the concerns people expressed, even if responsibility for general economic issues rests elsewhere.

Thus, the Commission strongly encourages strategic planning. We recommend stronger decision-making structures and arrangements to permit municipalities to address broad planning issues. We make proposals to improve joint-planning and help municipalities share scarce planning resources and limited funds. We encourage more public involvement in planning decisions to ensure the best ideas in the community are available for the decision-makers to consider.

The Commission believes the basic components of the current planning system are generally sound. But like a machine that has been allowed to run too long without maintenance, the legislation and the planning process both need fixing, and in some cases parts need replacement. Some adaptations are needed to allow the system to respond to new and emerging concerns, which the existing system seems unable to address.

Ideas of what changes should be made have been tested over four rounds of consultation. Most recommendations are quite straightforward. They do not involve significant new expenditures or extensive new structures. They provide a reasonable agenda of reform, which can be put in place relatively quickly, without disruption or restructuring. The Commission is confident these recommendations have a wide base of support throughout the province.

The mandate given to the Commission, along with the Commission's recommendations responding to that mandate, is summarized as follows:

1. **Protect public interests.**

   General recommendations:

   - Planning decisions must be consistent with provincial policies that:
     - protect the natural environment and ecosystems;
     - promote community development and efficiently manage infrastructure;

  - promote a variety of housing to meet housing needs;
  - protect quality agricultural areas;
  - conserve energy and water; and
  - protect non-renewable resources.
- Provincial policy would also require that cultural and historical resources be respected and conserved; that urban areas encourage intensification; that rural municipalities define rural characteristics to be protected as development occurs; and that social needs be addressed in the planning process.

2. Better define roles and relationships.

General recommendations:

- The province should consult widely, write down policy, and give it formal status.
- The province should be responsible for policy formation, provincial planning, advice, information, and research.
- Municipalities should plan, and municipal plans must address broad and local concerns.
- The province should have approval authority for the plans and plan amendments of regions, counties, separated municipalities, cities in the North, and planning boards.
- Regions and counties with plans should have authority to approve lower-tier plans and plan amendments, and plans of subdivision.
- Local municipalities should be responsible for development control.
- In the North, planning boards should be expanded or established and those with plans should have the authority to approve plans of subdivision.
- Public notification should be given early in the process, and include on-site signage for site-specific applications, and a notification registry.
- The Ontario Municipal Board should ensure municipal and provincial policy is upheld, should call procedural meetings, and should mediate and resolve disputes.

3. Focus on protecting the natural environment.

General recommendations:

- Provincial policies would require that significant natural features be protected from any development. Development may proceed in other sensitive areas only if it is determined there are no adverse effects.
- Municipalities must assess the environmental impacts of options and alternatives when preparing plans.
- Municipalities must map or describe environmental resources, regularly monitor environmental (and other) indicators, and plan on a watershed basis.
- Municipalities should be able to control site alterations, including clearing of vegetation and placing or removal of fill.
- Private septic systems should be better regulated, including regular pump-outs and inspection.
- Municipal infrastructure should be subject to a Class Environmental Review process under the *Planning Act*.

4. Create a more timely and responsive planning process.

General recommendations:

- Provincial decisions should be made within six months.
- Ministries should define standards that applicants must meet, and enforcement should be delegated to capable municipalities.
- Provincial decision-making should be delegated to regional offices, and the actions of ministries coordinated.
- A three-month timeframe should be established for municipal decisions on rezoning applications and a six-month timeframe for other applications.
- The Ontario Municipal Board should call a procedural meeting of all parties within 30 days of receiving an appeal.

The Commission believes these changes will help restore confidence in the integrity of the planning system. One significant problem in the relationship between public and private interests has been the lack of clear provincial policy, which is addressed by the Commission's policy recommendations. Other actions affecting the relationship between public and private interests, such as the ongoing police investigation known as Project 80, conflict-of-interest legislation, and legislation requiring open meetings at the municipal level, are being taken by others. Accordingly, the Commission has not addressed these matters but has focused attention on the system of planning and how it might be improved.

Recommendations are also made on other matters, including: the involvement of First Nations, Aboriginal, and Métis communities in municipal planning; provincial planning; ministerial powers; provincial permits and licences; municipal control over the use of water bodies; septic systems and sewage treatment; and minor variances.

The Commission's Approach

The Commission set out to seek and recommend a package of reforms that would be acceptable to the public and those involved in planning, that would have a realistic possibility of being implemented, and that would work within the variety of municipal and planning structures in the province.

The 10 million people who live in Ontario are found in a wide range of settings — in towns and on farms, in rural areas and remote Northern communities, in downtowns, and in suburbs. Where Ontarians live determines, to some extent, the nature of their interest in the planning process. But there are diverse views on the planning process within every community.

The municipal planning structure in Ontario is complicated and varied. There are 831 municipalities, 70 percent of which have populations of less than 5000. Southern Ontario is covered by a regional or a county structure — regions and counties constitute a second tier of municipal government — although 21 cities and towns are "separated" and outside this two-tiered structure. In Northern Ontario, half the 800,000 residents live in six cities, of which only Sudbury is in a regional structure. The other half live in small municipalities or in "unorganized areas" without a municipal structure. Some of these small municipalities and unorganized areas are served by planning boards. As well, there are more than 200 Aboriginal communities in Northern Ontario.

The Commission decided early on that our key task was to find common ground among the various players involved in planning. Rather than taking an abstract and distanced approach, we decided to go to planners, developers, citizen activists, environmentalists, farmers, municipal politicians and staff, provincial staff, and others across the province who work with the planning process.

We especially wanted to encourage the widest possible public participation — to involve as many people as possible. More than 40 public forums were held in different locations across the province. We also convened meetings of 15 different working groups, sponsored three dozen community meetings, and met regularly with many organizations closely involved in planning.

Our newsletter, *New Planning News*, presented proposals for comment, informed readers of our schedule and the status of our work, and provided information on specific issues. In all, eight issues of the newsletter were published in both English and French editions. The mailing list for the newsletter included more than 16,000 addresses, and on average a further 9000 copies of each issue were distributed at meetings, conferences, and other events attended by the Commissioners.

Since September 1991, the wider public was also kept informed of the Commission's

progress through the Commission Chair's biweekly, 10-minute slot on CBC's "Radio Noon," hosted by Christopher Thomas. Since September 1992, a similar arrangement has been in place with Benita Hart on CBC-Sudbury's "Radio Noon," which reaches communities in Northeastern Ontario.

Finally, the Commission's activities have been extensively covered elsewhere in the media. More than 500 articles about the Commission's proposals and local reactions to them were carried in daily and weekly newspapers in Ontario. As well, many local radio and television stations covered the forums and local meetings.

To begin our work, we needed to articulate a set of goals and policies for planning in Ontario which would set a direction for planning decisions. Two techniques for arriving at draft policies were rejected. Going to the public with a blank piece of paper and saying "what do you think goals for a new planning system should be?" might appear useful, but would probably produce little more than stock responses. Another approach would have been to have the three of us as Commissioners write down and circulate our personal ideas for discussion, but that seemed much too limited. Instead, we decided to use working groups to develop a first set of draft goals and policies.

In the fall of 1991, six working groups were formed to look at planning policies for different areas of the province: urban, urban fringe, rural and small centres, cottage country, Northeastern Ontario, and Northwestern Ontario. Each group consisted of about 20 members who were well-respected advocates of the interests they were representing; were interested in seeing what kind of common ground existed; and were able to attend three or four two-hour meetings every second week. Participation was independent of any organization individuals might represent. Minutes of meetings were circulated to assist in the discussions.

The ideas suggested by the working groups were published in the November/December 1991 and December 1991 issues of our newsletter, *New Planning News*. Comments made in January 1992 at public forums, along with written submissions, led to reconsideration and a second draft of goals and policies, published in the April 1992 newsletter. This second draft was subject to two further rounds of forums, in the spring and fall of 1992, and additional written submissions. It evolved into the proposals found in our Draft Report.

A similar working group approach was used to develop ideas about reforming the planning process, with groups set up in Kingston, London, Sudbury, and Toronto. Two more specialized groups were formed to provide input and criticism: an interministerial group, made up of representatives from the key ministries involved in planning at the provincial level; and a chairs group, made up of representatives of approximately 20 major organizations in the province with a stated interest in the work of the Commission. Other working groups were created to look at particular problems such as development control issues, relationships between the *Environmental Assessment Act* and the *Planning Act*, and social policy statements.

A regular schedule of meetings was maintained with provincial ministries and agencies, as well as with organizations representing many interest groups. Groups in this category included organizations such as the Ontario Professional Planners Institute, the Association of Municipalities of Ontario, the Land Use Caucus of the Ontario Environmental Network, the Ontario Home Builders' Association, and the Urban Development Institute. These meetings enabled us to keep informed of concerns, allowed people to learn of our ongoing work, and ensured that we remained realistic about achieving a reformed, and workable, planning system.

Since the comments received by the Commission were both wide-ranging and precise, the Commission decided to prepare a Draft Report and make it as detailed as possible. Our aim was to permit readers to respond precisely rather than have them struggle with generalities. The Draft Report was released in December 1992, and approximately 30,000 copies were circulated.

The Commission has been impressed by the breadth and depth of response to the Draft

Report. The round of public forums after its release, held in 18 centres during February and March 1993, was very well attended. Some 1200 submissions commenting on the draft were received. Many submissions were lengthy and showed considerable attention to detail: those writing submissions devoted a great deal of time and care to this task. Many municipalities went through the Draft Report recommendation by recommendation, commenting on all or a great number of our proposals. Responses came from all kinds of interests throughout the province, and the Commission was gratified at the number of submissions that commended the process for stimulating thinking among friends, among colleagues, and among municipal council members.

After the Draft Report was released, the Commission continued to hold community meetings, attend conferences, and meet with major organizations to get feedback and comment.

In sum, the Commission held four rounds of public forums. Afternoon and evening sessions were held in each centre, and local councillors of surrounding municipalities were frequently asked to attend a special advance meeting for general discussion and questions. More than 2200 people attended these forums, and more than 700 presentations were made.

In addition, the Commission hosted or attended less formal public meetings and discussions in 38 communities, with a total attendance of about 4000 people. As Commissioners, we attended a further 80 conferences, workshops, or other gatherings to deliver speeches or participate in discussions. In total we have, to date, spoken directly with some 23,000 people across the province.

By the end of April 1993, the Commission had received a total of 2083 formal written submissions. These submissions were augmented by a further 600 letters from people commenting on, or seeking more information about, the work of the Commission.

The ideas presented to the Commission by all those who participated in meetings and forums or who wrote submissions have been the basis for formulating recommendations. The collaborative and open process has meant many different ideas have been presented for consideration, and the process has permitted constructive reaction and interpretation so that weak ideas were rejected and good ideas strengthened. An open process has substantial benefits: ideas can be tested easily, and those not well-thought-out can be set aside without fear of embarrassment. The sense of innovation surrounding this process has made the travelling and the long hours both enjoyable and intellectually rewarding. We thank the many people who invested so much time and energy and participated so fully in the Commission's work. The strength of the recommendations in this Final Report is a result of their work, energy, and commitment.

2
The Purposes of Planning

Currently, the *Planning Act* does not have a purpose section. A large number of submissions agreed that a purpose section should be added to provide greater clarity and direction to decisions made under the Act.

There were many different suggestions on what should be included in a purpose section. All agreed that statements should be general in nature, touching on larger issues, but there was no general agreement about exactly what should be said. Some wanted more emphasis on economic development; others wanted more emphasis on sustainability. Some wanted more visionary language; others thought the section should define not just the purpose of the *Planning Act*, but also the purpose of planning.

A number of submissions thought the purpose section should make a statement about property rights, and a motion was endorsed by a number of municipalities that actions should be "consistent with the historic and inherent rights respecting the private ownership and enjoyment of property." There are difficult questions about what such a statement of purpose in legislation would mean. For example, although many agreed it should not interfere with municipal zoning powers, such a statement might have that impact.

In any case, it is not the Commission's intention to suggest any changes to the common law pertaining to property ownership and rights. It would help no one for the Commission to wade into a debate about property rights questions. For these reasons, the Commission believes this purpose section should not include references to property ownership or rights.

The Commission is proposing a purpose section that is simple and clear, covering the main interests important to Ontario.

The Commission recommends that:

1. **The *Planning Act* be amended to state that the purposes of the Act are to guide land-use change in a manner that:**
   - **(a) fosters economic, environmental, cultural, physical, and social well-being; and**
   - **(b) protects and conserves the natural environment and conserves and manages natural resources for the benefit of present and future generations; and**
   - **(c) provides for planning processes that are fair, open, accessible, accountable, timely, and efficient; and**
   - **(d) encourages cooperation and coordination among differing interests.**

A number of matters of provincial interest are set out in section 2 of the current *Planning Act*. Many submissions agreed this section should be updated to respond to matters now generally accepted as important in planning. Further, *all* planning jurisdictions should have regard for these interests, not just the Minister of Municipal Affairs or those exercising his or her authority, as the section now states. The Commission is recommending modest changes to many subsections, and has added several in its proposed list, such as (g) and (k).

The Commission recommends that:

2. **Section 2 of the *Planning Act* be amended to provide that, in exercising powers under the Act, the council of every municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, shall have regard to, among other things, such matters of provincial interest as:**

   (a) the protection of ecosystems, including natural features and functions;
   (b) the protection of the agricultural resource base of the province;
   (c) the conservation and management of natural resources and the mineral resource base;
   (d) the protection and conservation of heritage features of significant architectural, cultural, historical, archaeological or scientific interest;
   (e) the supply, efficient use and conservation of energy and water;
   (f) the adequate provision and efficient use of communication, transportation, sewer, water, and waste-management services;
   (g) the minimization of waste;
   (h) the orderly development of safe and healthy communities;
   (i) the adequate provision and equitable distribution of educational, health, social and recreational facilities and programs;
   (j) the adequate provision of a wide variety of housing;
   (k) the adequate provision and distribution of employment opportunities;
   (l) the protection of the financial and economic well-being of the province and its municipalities;
   (m) the coordination of planning activities of public bodies and private interests;
   (n) the effective and efficient resolution of planning conflicts.

3
Provincial Policy Statements

For the planning process to work effectively, there is a need for clarity on what planning is trying to accomplish. The interests of the province must be stated, and written down. The mechanism to express those interests is through policy statements under the *Planning Act*.

Provincial policy statements provide direction to all planning activity. Apart from any changes that might be made to the *Planning Act*, submissions to the Commission consistently identified the need for such statements to provide clarity, despite some disagreement on the appropriate scope and detail of each policy.

The Commission is recommending a comprehensive set of policy statements that outline provincial interests in a clear, straightforward manner. The policies recommended in this chapter attempt to fulfil this objective. The Commission believes these recommended policies represent a considerable amount of common ground in the province.

Provincial Interests

Provincial interests in planning include environmental and resource protection, social, economic, and fiscal well-being, and effective planning administration. Policies embodying these interests would provide the framework for planning in Ontario.

Of course, there are other interests besides those of the province: there are a variety of private interests, and there are more local public interests. In many cases, a development scheme that seems entirely appropriate to satisfy private interests may have to be modified to serve public interests as well. Further, although provincial and municipal public interests will be similar in many instances, those interests are not always the same; to ensure both sets of interests are protected, it is important that they be stated in a clear manner. Planning is an activity that tries to resolve differences among interests — public and private interests, local and more regional public interests.

The province has an interest in the planning aspects of the full range of government responsibilities — environmental and resource, social, economic, and financial. In addition, since much of the planning is done by municipalities, the province has an interest in how municipalities carry out their planning function. The province needs to develop policies to define these interests.

Environmental and Resource Interests

As settlement and new development occur, the province has an interest in ensuring that, in the long term, natural heritage and natural resources are protected. Natural resources — mineral deposits, agricultural land, forests, rivers, and so forth — are a source of long-term wealth and must not be depreciated. Natural heritage — wetlands, ravines, green corridors, habitat, and so forth — is a key source of long-term ecosystem health, and too often in the past has been ignored. The 1987 report of the World Commission on Environment and Development, *Our Common Future* (the Brundtland report), makes perhaps the most lucid statement of the global need to protect natural heritage and resources. The report concludes that we can no longer afford to take the natural environment for granted — we can't continue to live off our capital. The long-term costs are much, much too great.

Social Interests

The province is responsible for the social well-being of people in Ontario. It designs and provides most of the funds for long-term social programs in the province, with the voluntary sector and municipalities also playing important roles. Thus, it is in the province's interest to ensure that within municipal planning, social problems are clearly identified, social trends are noted, and adequate responses are made.

The design of cities plays its part in the creation and resolution of such problems. For example, many critics have noted that the design of public housing projects in the 1950s and 1960s has exacerbated some social problems. The health of rural areas and communities is equally as important, and economic decline in rural communities is significant in human terms. Providing opportunities for the provision of social facilities and affordable housing is also important. Provincial planning policies should address these issues.

Most issues of social welfare are the province's responsibility, and municipalities cannot be expected to devise and fund programs for which the province has the ultimate authority. As well, the land-use planning system has limited ability to address a wide range of social issues. Any statement of provincial interests in this area must recognize these limitations.

Economic Interests

The province has a clear interest in encouraging economic development to create jobs and wealth. The details of how this is done are a source of continuing political debate, and the land-use planning system cannot fully resolve these issues.

Two points seem reasonably clear. First, if the planning system provides no clarity of process and no sense of urgency to get things done, opportunities for enterprise will be lost. The province has an interest in an efficient and timely planning process.

Second, the form of settlements, the nature of permitted change, and the encouragement of private enterprise are related to one another. For instance, noted urban critic Jane Jacobs argues that compact form, mixed uses, and inexpensive commercial rental space are critical to expanding economic activity in cities.

Financial Interests

It is in the province's interest to minimize the need for new infrastructure to which it will contribute, such as water- and sewage-treatment facilities, schools, and roads. The province has a direct financial interest in ensuring that existing infrastructure is used very efficiently before new infrastructure is constructed.

There are also operating subsidies to municipalities, which the province has an interest in controlling. For example, development patterns should minimize the need for subsidies to public transit by encouraging densities which support economically viable public transit and road patterns that allow good access to transit use.

The province also has an interest in ensuring that development and change do not lead to long-term problems which require provincial intervention. The province has found itself providing funds for water-treatment and sewage-treatment plants after water quality has been reduced to levels that threaten public health. It is much more in the province's interest to ensure that development meets clear criteria about water and air quality, and that development patterns are acceptable in the long run, so expenditures for later remediation are not incurred. Provincial expenditures to rectify inadequate sewage systems are substantial and should be avoided by ensuring the systems are adequate from the beginning.

In sum, the province has a direct interest in ensuring that inefficient development patterns are strongly discouraged, and that the provision of public service facilities is efficient.

Interests in Municipal Planning

Since much of the planning done in Ontario is carried out by municipalities, the province has to work with municipalities to ensure its interests are addressed. The province, therefore, has a strong interest in helping municipalities to plan well. This can be done by providing a workable planning structure, useful advice, and policies that provide scope

and direction for municipal planning decisions. As well as expressing public interests, good provincial policies reinforce municipal planning activities and encourage consistency and coordination across the province.

Current Policies and Guidelines

Since 1983, the *Planning Act* has contemplated the adoption of policy statements, yet only four policies have been formally adopted:

- Mineral Aggregate Resources (Ministry of Natural Resources, Ministry of Municipal Affairs, 1986)
- Flood Plain Planning (Ministry of Natural Resources, Ministry of Municipal Affairs, 1988)
- Land Use Planning for Housing (Ministry of Housing, Ministry of Municipal Affairs, 1989)
- Wetlands (Ministry of Natural Resources, Ministry of Municipal Affairs, 1992)

They have been accompanied by implementation guidelines.

A number of ministries have released policy guidelines on other issues. These guidelines are used as the basis for provincial decision-making because the provincial government has retained approval authority over plans, plan amendments, and plans of subdivision for most municipalities. Yet the province has no clear consultation process for the development of guidelines, and no clear procedure for their introduction. This informality of process means guidelines can be put into place and changed with little notice, and they then can be used by staff as if they were policy. For these reasons, municipalities and many others are generally unhappy about the array of provincial policy guidelines that directly affect their decisions.

A list of some of the policy guidelines related to land-use planning includes:

- Agricultural Code of Practice (Agriculture and Food, 1976)
- Food Land Guidelines (Agriculture and Food, 1978)
- Land Use Policy Near Airports (Housing, 1978)
- Guidelines on Noise and New Residential Development Adjacent to Freeways (Municipal Affairs and Housing, 1979)
- Manual of Policy, Procedures and Guidelines for Onsite Sewage Systems (Environment, 1982)
- District Land Use Guidelines — Various MNR Districts (Natural Resources, 1983)
- Land Use Compatibility (Environment, 1984)
- Water Management: Goals, Policies, Objectives and Implementation Procedures of the Ministry of the Environment (Environment, 1984)
- Environmental Noise Assessment in Land Use Planning (Environment, 1987)
- Land Use on or Near Landfills and Dumps (Environment, 1987)
- Implementation Strategy: Areas of Natural and Scientific Interest (Natural Resources, 1988)
- Guidelines for the Decommissioning and Clean-up of Sites in Ontario (Environment, 1989)
- Commercial Site Access Policy and Standards (Transportation, 1990)
- Implementation Guidelines: Provincial Interest on the Oak Ridges Moraine Area of the Greater Toronto Area (1991)
- Guideline for Calculating and Reporting on Uncommitted Reserve Capacity at Sewage and Water Treatment Plants (Environment, 1992)
- Guideline for the Responsibility for Communal Water and Sewage Works and Communal Sewage Systems (Environment, 1992)
- Guideline on Planning for Sewage and Water Services (Environment, 1992)
- Guideline on Planning for the Re-use of Potentially Contaminated Sites (Environment, 1992)
- Guideline on Separation Distance Between Industrial Facilities and Sensitive Land Uses (Environment, 1992)
- Growth and Settlement Policy Guidelines (Municipal Affairs, 1992)
- Ontario's Heritage Conservation District Guidelines (Culture and Communications, 1992)
- Technical Guideline for Assessing the Potential for Groundwater Impact at Developments Serviced by

Individual Sub-Surface Sewage Systems in Non-Designated Areas (Environment, 1992)
- Technical Guideline for Water Supply Assessment for Subdivision Developments on Individual Private Wells (Environment, 1992)
- Transit-Supportive Land Use Planning Guidelines (Transportation, Municipal Affairs, 1992)

Some of these policy guidelines are general, affecting the way communities are planned, such as the Food Land Guidelines and the Growth and Settlement Policy Guidelines. Others are more technical, and are concerned with details of implementation, such as Environmental Noise Assessment, and Commercial Site Access Policy and Standards.

The Draft Report contained a letter from the Minister of Municipal Affairs, advising the Commission that the government is not contemplating making changes to the four existing policy statements issued under section 3 of the *Planning Act*, with the exception of considering ways to strengthen the land-use planning for housing policy statement.

On the basis of the submissions received on the proposed policies contained in the Draft Report, the Commission has concluded that the policies it is recommending in this Report should replace all four existing policies to provide a consistent and coherent approach to provincial policy. The recommended policies should also replace the Food Land Guidelines and the Growth and Settlement Policy Guidelines, since the matters dealt with in these guidelines are covered by recommended policies, and should be given the full status of policy. The Commission is recommending that all existing guidelines should be made consistent with the comprehensive set of provincial policy statements, and should remain advisory only.

Existing formal policy statements have been supported by implementation guidelines, and a number of submissions noted the usefulness of such guidelines as statements of how the province interprets policy, or how policy could be implemented. These guidelines must not detract from policy, and they should not be binding. Making guidelines purely advisory means that innovative methods of meeting objectives not included in the guidelines can still be considered.

The adoption of the comprehensive set of provincial policy statements should not be delayed while guidelines are prepared.

Currently, very limited public input is sought in the preparation of guidelines. More public involvement will result in better guidelines, as well as wider acceptance of them. The Commission is recommending that guidelines be prepared with public input. At a minimum, this should include circulation of proposed guidelines and opportunity for comment prior to adoption. These proposals for new guidelines are incorporated into an implementation policy, which is discussed later in this chapter.

The Commission recommends that:

3. **To provide clarity and consistency in the definition of provincial interests in planning:**
   - **(a) The province adopt a comprehensive set of policy statements under section 3 of the *Planning Act*.**
   - **(b) This comprehensive set of policy statements replace the four existing policies under section 3, namely the Mineral Aggregate Resources Policy, the Flood Plain Planning Policy, the Land Use Planning for Housing Policy, and the Wetlands Policy.**
   - **(c) This comprehensive set of policy statements replace the Food Land Guidelines and the Growth and Settlement Policy Guidelines.**
   - **(d) After the comprehensive set of policy statements has been adopted, any new implementation guidelines be developed with public input.**
   - **(e) All existing guidelines be made consistent with the comprehensive set of provincial policy statements and remain advisory only.**

Characteristics of Policies

Form

Some submissions were concerned that provincial policy statements would constitute an intrusion into matters within municipal planning jurisdiction. The Commission believes provincial interests need to be protected and can be expressed in a manner that allows reasonable flexibility for local conditions to be taken into account.

Some submissions suggested that provincial policies would cause delay. However, policies define what can be done and remove uncertainty so that those involved in municipal plan-making and those making development applications will know what would be acceptable under provincial policy. Policy does not create additional steps.

There are different expectations for provincial policy. Some want it to be very general, without too much bite, so it can be easily translated into local circumstances as local decision-makers see fit. Others want policy to be written in a way that will nail down all the details of implementation. The problem with the first approach is that it does not provide clarity or direction; with the second, that it does not provide the flexibility needed for application to local situations.

The Commission has tried to find some middle ground that provides certainty of direction and flexibility to adapt to local conditions. Policies should express provincial interests without putting municipalities in a straitjacket. The following characteristics are desirable in the expression of provincial policy:

- Policy should focus on direction and results rather than on the detail of how implementation will occur or the means to be employed.
- Policy should be clear, understandable, comprehensive, and brief.
- Policy should be established under clear legal authority.

The proposed policy statements attempt to meet these criteria.

Status

In the short term, the Commission recommends that the province adopt a comprehensive set of policy statements under section 3 of the *Planning Act*. Proceeding in this fashion permits the government to act in a timely manner to establish provincial policy direction.

In the long term, however, the section of the *Planning Act* enabling policy statements should be amended to strengthen their status. The current section 3 states that all planning authorities "shall have regard to" policies. Courts have interpreted this to mean only that a decision-making body cannot dismiss such a policy out-of-hand. This status might be appropriate for very detailed policies, which include the ways in which policies will be implemented, but it is much too weak a status for policies that are more general in nature and do not include details of implementation. Policies that are clear in direction and focus on results must have a stronger status.

Various alternatives have been suggested. Some have suggested a requirement that planning authorities "consider" such policies, but that suggestion also seems too weak. The term "compatible with" seems too loose for general statements.

Other terms have been suggested and considered, such as "conform to," "comply with," "be consistent with," and "be in accordance with." One term is already in use in Ontario: the *Planning Act* requires that lower-tier plans must "conform to" upper-tier plans. Plans represent a resolution of conflicting policies, and thus conformity of plans can be achieved, but it is much more difficult to "conform to" a set of provincial policy statements where conflicts are not fully resolved.

Although there is little case law to help distinguish among these phrases, some allow more flexibility than others. As noted, the desired term will provide certain strength of direction tempered by reasonable flexibility in local application. The Commission is recommending that the Act be amended to state that the exercise of any authority that affects any planning matter by any body — every municipality, local board or authority, minister of the Crown, ministry, board, commission, or agency of government including the Ontario Municipal Board and Ontario Hydro — *shall be consistent with* policies adopted under the Act.

Only policies adopted under this section of the Act should have official status, and methods to amend these and introduce new policies should be clearly established, as discussed in Chapter 4, The Provincial Role.

It cannot be expected that policy statements made at one point in time will always be effective or applicable. Policy should be reviewed with some regularity to ensure it is appropriate. Consideration should be given at least every five years to whether a full review should be made of each policy. As suggested in Chapter 4, the Ministry of Municipal Affairs should be renamed the Ministry of Municipal Affairs and Planning and given the lead role in planning. The Minister should be responsible for considering the need for reviewing provincial policy and should seek the advice of the Provincial Planning Advisory Committee, which is also recommended in Chapter 4.

The Commission recommends that:

4. **The *Planning Act* be amended to provide that in exercising any authority that affects any planning matter, the council of every municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, *shall be consistent with* policies adopted under the Act.**
5. **The *Planning Act* be amended to require that the proposed Minister of Municipal Affairs and Planning give consideration every five years to whether there is need for revision of provincial policy statements.**

Conflict Among Provincial Policies

In some cases, conflict will occur among policies expressed under the Act; this is to be expected when a number of desirable ends are sought. One approach is to resolve conflicts at the policy level itself. Another is to resolve them in the planning process.

The Commission has given much consideration to the question of conflicting policies and, in particular, to how conflicts might be resolved in favour of, rather than at the expense of, the natural environment. One approach considered by the Commission was to specify that, in cases of conflict, the health of ecosystems must be considered of primary importance. Another approach considered was to specify that, in cases of doubt, the doubt will be resolved in favour of the natural environment.

The Commission is not confident these approaches clarify intentions — indeed, they might muddy the waters further, particularly if an applicant argues that a development proposal in a protected natural area should proceed because it could result in improved health for the ecosystem. Thus, an environmental "override" might act not to conclude debate, but to fuel it.

The best way to resolve this matter is through the wording of individual policies. Policies that set absolute prohibitions should mean what they say, and not be breached by another policy. No should mean no. For example, if one policy prohibits development in significant wetlands, and other policies encourage aggregate

extraction or affordable housing, the prohibition should rule out both extraction and housing in a wetland. Any other interpretation renders the plain words of policy meaningless.

Where conflicts are not fully resolved at the policy level, the best place to resolve them is in the municipal plan, which interprets them into a local context. The upper-tier plan, which is the most appropriate place to review how provincial policy statements will be applied in the local situation, should resolve any conflicts that become evident. Where conflicts emerge in the process of plan development and review, provincial ministries should try to resolve any conflicts among provincial interests. Where disagreements persist between parties, an appeal may be made to the Ontario Municipal Board for final resolution.

Where policies require a matter to be anticipated, encouraged, promoted, or demonstrated, the decision on whether this has occurred shall be based on information, studies, professional opinion, or consultation that would satisfy a reasonable person.

If policy statements do not fulfil intentions over time, they should be changed to achieve the desired results. This need will become evident during consideration of the five-year review.

Consultation

The policies recommended later in this chapter have evolved from a process that began in the fall of 1991, when the Commission convened six working committees to talk about planning goals. The conclusions of the work of those committees were published in the Commission's newsletters, *New Planning News*, and public comment was received. The proposals were redrafted, published in April 1992, and public comment was again encouraged. A third draft of policy was contained in the Commission's Draft Report, published in December 1992.

In response to a request made in the Commission's interim report (published in the July 1992 issue of *New Planning News*), the Minister of Municipal Affairs advised that consultation on proposed policies set out in the Draft Report would be the consultation required under section 3 of the *Planning Act*. The Commission will provide the Minister with a full record of the consultation, including the submissions received on the proposed policies in the Draft Report. The policies recommended in this Final Report represent a fourth draft.

Many submissions urged that whatever policy statements the Commission recommended in the Final Report, another opportunity for comment be provided.

The Commission agrees that a further opportunity for comment on policy would be very useful. The policies recommended are a response to the submissions received on the Draft Report, and contain important differences from earlier versions. The further public comment should not simply be on the Commission's policy recommendations, but on a set of policies the government itself has indicated it wishes to adopt.

As noted in Chapter 12, Implementing This Report, the Commission is recommending that further consultation on policy be undertaken by the government, which would also be considered part of the government's required consultation under the *Planning Act*.

Commentary on Recommended Policies

The Commission is recommending policies in six areas. The following commentary provides some background on the policies recommended, as well as discussion of the major points raised in submissions on the Draft Report.

Natural Heritage and Ecosystem Protection and Restoration

There has been a growing recognition that land-use planning decisions have a major impact on the natural environment. Bad planning decisions may lead to environmental problems, including pollution of ground and surface water, depletion of groundwater reserves, destruction of wetlands and other natural features, increases in carbon dioxide emissions, and the loss of important wildlife habitat. For example, in some Southern Ontario counties, 90 percent of all pre-settlement wetlands have been lost along with important flora and fauna. The remaining wetlands become increasingly critical for species survival.

Environmental concerns have often been treated as an add-on to the planning process. Recent years have, however, seen a general acceptance that a pro-active rather than a remedial planning approach is the best way to ensure that the kinds of environmental problems experienced in the past do not recur in the future. The cost of environmental clean-up often far exceeds the cost of incorporating environmental considerations in planning at the first instance.

To date, there has not been a comprehensive set of policies adopted under the *Planning Act* to deal with the natural environment. Only the Flood Plain Planning Policy, which deals primarily with hazard and safety issues, and the recent Wetlands Policy touch on environmental matters. Given the lack of provincial direction, municipalities and provincial staff have often dealt with environmental issues in an inconsistent manner. One mayor recently noted that "such a piecemeal and haphazard approach not only provides uneven, patchy protection for ecosystems, but also creates a climate of uncertainty for both developers and the public. Obviously, there is urgent need for leadership at the provincial level; planning issues that transcend municipal boundaries require a level of coordination that is difficult to achieve without provincial direction."

Submissions to the Commission expressed concern about the need to "balance" environmental and economic considerations. Further, some fear has been expressed that the Commission's environmental policies would result in the prohibition of development over wide tracts of the province. The Commission does not believe in the two solitudes of environment and economy. Environmental health is a foundation for social and economic well-being. The Commission maintains that development can occur in a manner that takes the natural environment into account — and respects it. As one submitter observed, the question is "how can we live and plan with nature in ways that create social, economic and ecological well-being?"

The need to integrate economic and environmental decision-making was made clear in the Brundtland report. That report called for a new approach: sustainable development, defined as meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. The notion of sustainable development rejects the approach of treating environment and economy as separate spheres, with the environment occupying a subordinate position. It calls for environmental considerations to be introduced into the front end of decision-making, rather than introduced after environmental degradation has occurred. This is extremely important in land-use planning. The Commission has

tried to outline policies and processes which should help lead to development that is more sustainable in the future.

Two approaches to protecting the natural environment are possible. One approach is to look closely at each proposal for change to ensure important features and functions are not degraded. The other approach is to define significant features and functions, and prohibit development in these areas.

The Commission proposes both approaches be used. Significant features and functions must be protected from the threat of any development. These areas are not open for development, and negotiation is not permitted. It also seems fair to define these areas so that everyone will know they are off-limits and can make investment decisions based on this information — an approach that seems to have worked successfully with flood plains. If everything is up for grabs, the environment will often come out on the losing side.

Thus, the policy statements recommended provide that development be prohibited in significant natural features; and that development will not be permitted on adjacent and other lands if it adversely affects the integrity of the features or functions of the areas included in the policy. Development may occur on less significant features if no adverse effects are demonstrated.

The policies go beyond protecting only "islands of green" and specific natural features as static, isolated entities. Natural linkages and corridors are also important to protect from the adverse effects of proposed development.

Unfortunately, as a result of decisions made in the past, our environment has been degraded in many parts of the province. Remediation, restoration, and regeneration are becoming important considerations in decisions about development. They are also dealt with in the recommended policies.

Several recommended policies reflect existing government policy. One policy is essentially the existing Wetlands Policy Statement in a more concise form. The recommended policy on flood plains, in keeping with the Commission's recommendation to have short, clear statements, summarizes the current Flood Plain Planning Policy in a few sentences. One policy addresses the protection of fish habitat, a matter covered by the federal *Fisheries Act* and administered by the Ministry of Natural Resources. The policy on Great Lakes shorelines is a summary of a draft policy now being discussed by that ministry.

Various submitters wondered how policies to protect natural features and functions should apply to Northern Ontario, where settlements are often surrounded by natural areas. The Commission has considered this point at some length and concluded that, with two exceptions, common policies to protect the natural environment should be applied across the province if the features to be protected are significant — with significance determined in a regional context. The two exceptions are wetlands, where existing government policy distinguishes between Northern and Southern Ontario; and woodlots, where the Commission recommends development be prohibited in significant woodlots in Southern Ontario.

To protect lands adjacent to lakes, rivers, and streams, the Commission initially thought prescribing minimum setbacks was an appropriate approach. It quickly became clear, however, that the situation varied considerably across the province and that different types of shoreline had different setback requirements. The provincial interest lies in ensuring that water quality, shoreline vegetation, bank stability, and wildlife habitat are not adversely affected.

A number of recommended policies provide that development shall not be permitted if it has "adverse effects" on the particular feature or subject of the policy. Questions have been raised about the use of the phrase "adverse effects." This phrase has been used in legislation and policies in Ontario and elsewhere. It has been interpreted by the courts and administrative bodies as allowing a degree of tolerance for change appropriate to the circumstances. Thus, while the phrase imposes a stringent test — as is appropriate in the circumstances in which it is used — it does not mean "no change." The Commission proposes that an environmental impact study will provide a basis for

assessing adverse effects, as set out in the Implementation Policy.

The policy included here regarding wetlands is similar to the existing Wetlands Policy, with one change; the phrase "negative impact" has been replaced in this Report with the phrase "adverse effect," so that one consistent term is used throughout this set of policy statements.

One recommended policy deals with the situation where development is proposed on sites that have been contaminated. The need to remediate must be determined and an appropriate plan for site remediation must be prepared and implemented before above-grade building permits are issued. But as the policy directs, implementation of the remediation plan should be permitted after planning decisions have been made. This approach will allow financing to be made available to do the clean-up before above-grade construction. It is recognized that below-grade construction may be part of the implementation of the remediation plan. This policy will be very important if intensification and redevelopment are to occur.

It should be noted that many municipalities in recent years have adopted official plan policies similar to those recommended for the protection of natural heritage and ecosystems. Some municipalities told the Commission that policies on natural heritage systems were simply a codification of the kinds of things they were already doing.

To encourage the stewardship of some natural areas, the provincial Conservation Land Tax Reduction Program permits property tax rebates to owners of certain wetlands, areas of natural and scientific interest, and several other types of natural features. The annual rebate paid to private owners is about $1.3 million. Only 15 percent of eligible owners apply for the rebate, perhaps owing to the small amounts actually involved. The program is useful as another way to ensure good stewardship of natural heritage, and it should continue.

An additional opportunity for the protection of natural heritage is the use of heritage and other trusts to accept easements and gifts of property. Several private trusts and foundations now exist in various parts of the province, and the Ontario Heritage Foundation has been established under the *Ontario Heritage Act* to accept gifts on behalf of the province.

Currently, the *Ontario Heritage Act* provides that the Ontario Heritage Foundation and local municipalities can enter into voluntary easements with owners of property regarding the conservation of heritage features. These agreements bind present and future owners. Recent proposals to amend the *Ontario Heritage Act* would result in this authority being extended to include approved non-profit corporations and trusts. The Commission supports these initiatives.

For income tax purposes, Revenue Canada treats gifts of land or interests in land to the Crown differently from gifts to municipalities and registered non-profit charities. A donation to the Crown by an individual can be used to offset up to 100 percent of taxable income for up to six years, but if the gift is made to a charity or municipality, the donor may offset only 20 percent of taxable income for up to six years. In both cases, the donor may not be able to take full advantage of the donated value as a tax credit. Also, a donation of land may be subject to capital gains tax.

The Commission is recommending that the province engage in negotiations with the federal government to allow individuals to claim the full value of donated land as an income tax credit and to ensure that gifts of land or of interests in land to approved non-profit corporations or trusts can be made without triggering capital gains tax.

The Commission recommends that:

6. **The province engage in negotiations with the federal government to allow individuals to claim the full value of land or of interests in land donated to approved non-profit corporations or trusts as an income tax credit, and to ensure that such gifts can be made without triggering capital gains tax.**

Community Development and Infrastructure

Although Ontario has become increasingly urbanized, the province has never had a formal policy about development in cities, in other settlements, or in non-agricultural areas.

In 1966, then Minister of Municipal Affairs, Wilfrid Spooner, gave a speech about urban development in rural areas, arguing that new development should be concentrated in existing settlements. This became known as the Urban Development in Rural Areas (UDIRA) policy, but it was never more than a statement by the Minister.

In the late 1960s, the province embarked on the Design for Development program, an ambitious undertaking to provide a planning basis for decisions in various parts of the province. Among other things, Design for Development spawned the Toronto-Centred Region (TCR) concept, proposing to surround Toronto with a green belt in which development would be strongly discouraged.

Design for Development sputtered early in the 1970s, and development decisions to expand Toronto's northern boundary were made by the province, thus sounding the death-knell of the TCR concept. One last attempt to address ideas of city containment was found in the Central Ontario Lakeshore Urban Complex (COLUC) study, but it was never applied.

The Food Land Guidelines in 1978 touched tangentially on the question of urban growth by requiring justification for the use of agricultural land. No further policy attempts were made by the province to consider urban growth until the Office of the Greater Toronto Area was established in the late 1980s. That office was established more as a response to servicing issues related to explosive growth in the Toronto area than as an attempt to create policies about cities and their expansions.

In 1992, the Ministry of Municipal Affairs issued the Growth and Settlement Policy Guidelines. The Ministry thought it was essential that there be some written guidelines to assist it in dealing with plan review and approval. These guidelines outline basic policies about the growth in cities, other settlements, and rural areas. The Ministry of the Environment augmented this policy by releasing guidelines requiring communal or municipal servicing for rural developments of more than five lots, generally supporting the expansion of existing settlements on full services and discouraging scattered development on private services.

The Commission heard many criticisms from rural Ontario about these guidelines, arguing that they had been adopted by the province without adequate consultation, and that they permitted almost no development that was not on full municipal services. The Commission's proposals in the Draft Report and in this Report are more amenable to allowing some development not on full services.

The Commission has suggested a number of conditions relating to development in rural areas. One proposal is that in non-agricultural rural areas, municipalities must define "rural characteristics," and then ensure that developments which are approved respect those characteristics. This approach responds to concerns that some rural areas are becoming just another variety of low-density suburb. Another proposal is that long-term effects of development must be assessed both in terms of possible public expenditures and in terms of the natural environment. Both these proposals will require municipalities to give considerable attention to planning matters by rural municipalities, and should result in development that strengthens the rural parts of the province.

One point that comes up in any discussion of community building in rural areas is servicing — the provision of water and sewage systems. The Commission's recommendation is that communal services, whether private or public, can be well utilized in cases where full public services or individual private services are not appropriate. Legal and other administrative arrangements will have to be developed for this purpose.

As they apply to cities, the Commission's draft proposals for community development and infrastructure policies were generally well received, although some provoked strong comment. Many supported the idea of explicitly requiring attention to social issues and safe streets. Although intensification was generally supported in principle, some submissions expressed doubts about how such policies would be implemented. A number of submissions expressed the view that lower densities are better than higher densities, and of course this has been a general cultural trend for most of the 20th century. Some suggested that intensification which makes good use of existing infrastructure is fine, but that the public will never agree to it. Some worried that certain forms of intensification — such as the high-rise apartment, which invaded many neighbourhoods in large cities in the 1960s and 1970s — are inappropriate. Some thought intensification means certain groups will invade established neighbourhoods, particularly students in neighbourhoods surrounding universities.

A number of concerns were expressed about the management of intensified properties. Recent amendments introduced in the Legislature would provide municipalities with improved power of entry to enforce municipal by-laws. Current legislation permits municipalities to establish maintenance and occupancy standards to deal with property maintenance, garbage issues, noise, and parking. Municipalities should make good use of all these provisions, forcing owners and tenants to attend to problems or face the cost of any municipal action to remedy the problem added to the property taxes. In the Commission's opinion, no new powers are needed for municipalities to act effectively.

Given the fiscal crisis of governments at all levels, and the limited funds available for new infrastructure, the Commission believes that making better use of the infrastructure already built and paid for is a reasonable course of action. If municipalities are to continue to grow, much of this growth will probably occur within existing built-up areas.

One assumption commonly made by municipalities is that development should be approved because it "enlarges the tax base" and brings in more revenue, which lightens the tax load for everyone. But development is often approved without adequate consideration of the additional expenses incurred for such public services as schools and health facilities. With limited provincial subsidies and municipal funds available for new services and infrastructure, this assumption is being challenged. Municipalities are recognizing that new residential development may not expand the tax base significantly enough to cover its own costs. Studies to calculate development charges touch on some of these issues, but do not provide a full picture.

While there seem to be no definitive studies, some research has concluded that certain development forms involve less initial and ongoing expenditure than others — medium-density, mixed-use projects appear to be more cost effective, for instance, than low-density, single-use projects. Cluster development is more efficient in the use of municipal and provincial tax dollars than is scattered development, at least in some circumstances.

But the results of these studies are often contentious. Given the number of assumptions that have to be made about funding arrangements or long-term costs, preparing cost/benefit studies will always be controversial. The Commission is recommending that the Ministry of Municipal Affairs and Planning undertake research on the cost and benefit of different development forms and settlement patterns, and provide municipalities with advice on methods of assessing the fiscal impact of development options and proposals.

A number of school boards made submissions about the shortage of school space, and urged that municipalities not be permitted to proceed with development approval until school availability is certified by the board. In the past, school boards responded to the need for more facilities by calling on the province for the funds required for new schools. However, the level of financial support provided by the province in the past is no longer there. Lacking ready access to funds, boards no longer are able to take municipal decisions in stride.

In the past, policies assumed that if a site in a subdivision had been designated for a school, the school would be built. Plans of subdivision were approved on that basis. Such an assumption is no longer valid. The Commission proposes that municipalities be required to develop policies in the municipal plan addressing the provision of educational facilities, rather than just sites. This requirement should be set out in both policy and legislation.

Some submissions argued that school boards should be able to prevent new development from proceeding if school facilities are not available. The Commission is recommending that school boards should be notified of plans and development proposals for comment; ultimately, however, decisions about development should be made by municipalities.

School boards need to undertake long-range planning in conjunction with municipalities, and together they should consider innovative approaches to providing school sites and facilities.

To make efficient use of new services, the form of any new additions to existing communities will also be critical. The Commission's proposed criteria for urban expansion attracted a number of submissions.

One of the Commission's suggestions was that new additions to communities on full services should be developed at "medium density." Submitters painted various scenarios of stacked townhouses for miles on end as the way that criteria would be interpreted. Some argued that requiring "medium density" in new communities would remove choice from home buyers who want large homes on large 50- and 60-foot lots. Some suggested that setting any criteria was an attempt to interfere with the market, and would be unsuccessful.

Most municipalities define medium density as a range of 12 to 18 units per acre, which implies single-family houses on 25- and 30-foot lots. In mixed-density form, the definition would translate into a range of housing types from large-lot single-family homes to apartment buildings. Single-family housing starts in Ontario have decreased from about 60 percent to under 50 percent of all starts in the past decade, and some Toronto area homebuilders say that, given current market conditions, the figure is now in the range of 40 percent.

It is important that some criteria be stated for extensions to urban areas to ensure efficient use of land and services. The Commission's recommended policy stresses compactness and a mix of uses and densities that permits considerable variation of housing types and housing choice.

A number of submissions pointed out that many urban areas are similar to rivers and other natural features in that they pay little heed to municipal boundaries. Attempting to implement a policy that relates efficient use of infrastructure in one municipality to opportunities for expansion in another municipality — even though both are part of the same "city" — is, they said, almost impossible.

This is admitted to be a difficulty, but it is of the same order as the difficulty engendered in watershed planning. If cities are to be designed in ways that are efficient for their inhabitants, as well as using reduced amounts of public dollars, their design should not depend solely on municipal boundaries. The proposals on both sides of a municipal boundary must be examined closely. Upper-tier planning should help to resolve many of these questions.

A number of policy guidelines are concerned with the compatibility of certain uses that could have impacts on other uses, and it is important that this matter be dealt with in provincial policy.

The Commission recommends that:

7. **The Ministry of Municipal Affairs and Planning undertake research on the cost and benefit of different development forms and settlement patterns, and provide municipalities with advice on methods of assessing the fiscal impact of development options and proposals.**

Housing

The availability of housing to accommodate the full range of current and future housing needs is essential to the economic and social well-being of the province. The provincial government, therefore, has an interest in the provision of housing and, in particular, in ensuring that a wide range of housing types are available in locations and at prices that serve the needs of current and future residents of the broader community.

Housing needs cannot be assessed only on the basis of individual local municipal jurisdictions. In providing for housing, the needs in the larger area must be looked at.

In 1989, the provincial government issued the Land Use Planning for Housing policy statement under section 3 of the *Planning Act*. This policy statement directs planning jurisdictions to address the supply of land for housing, to provide for a range of housing types, to provide for residential intensification, and to streamline the planning process. Over the past four years, many municipalities have undertaken municipal housing studies and have amended their official plans and other planning documents and planning processes to facilitate the provision of affordable housing.

The Commission's recommendations on housing are built largely on this policy.

A variety of comments were received on the proposed housing policies. A common comment outside the larger urban areas is that the housing policy statement is a "Toronto policy," addressing a "Toronto problem." The definition of affordability was so wide, it was argued, that most housing in some jurisdictions was "affordable" — making the requirement for elaborate studies and policy changes redundant.

The Commission in its Final Report has attempted to introduce some simplifications to the policy, and has attempted to clarify a number of issues: the area in which housing need is to be determined, the definition of those to be served by the policy on affordable housing, the variety of housing to be planned for, and the applicability of the policy to large residential projects. The current policy requiring that 25 percent of new units be affordable does not include units created through intensification. Since the recommended policies encourage intensification, the Commission is recommending that the proportion of new units in a municipality which would come within the definition "affordable" should be increased from 25 to 30 percent, and include affordable units created through intensification.

Agricultural Land

Policy dealing with development in agricultural areas was first established in the province in 1970 as the Suggested Code of Practice, which proposed separating livestock and poultry operations from other rural uses in order to avoid nuisance conflicts resulting from odour and noise. It was refined several times and in 1976 became the Agricultural Code of Practice and included formulas for calculating minimum distance separation between agricultural and non-agricultural uses.

In 1978, the provincial Cabinet approved the Food Land Guidelines as a provincial policy, but it has never been adopted under section 3 of the *Planning Act*. The key purposes of this policy are to ensure that as much land as possible "with the capability for agriculture is kept available for farming when it is needed" and to "protect a land area which will be available on a long term basis and within which agricultural activity can occur with a minimum of disruption from competing or non-compatible land uses."

Lands to be protected under this guideline include specialty crop lands, Canada Land Inventory classes 1 to 4 soils, and additional areas where there is ongoing viable agriculture or where local market conditions ensure agricultural viability. Development of agricultural land for non-agricultural purposes requires justification in terms of demonstration of a greater public interest or need and proof that no alternatives in terms of lower quality soils are available. Rural residential development on agricultural soils is not permitted unless it is agriculturally related.

A review of both the Agricultural Code of Practice and the Food Land Guidelines was undertaken in 1985, and although changes were proposed, they were never adopted as policy. The original documents are still used to review municipal planning policy and development applications.

Concerns about agricultural land policy relate to the uncertainty of the agricultural economy, the lack of effectiveness of the Food Land Guidelines in containing urban sprawl, the lack of development options in areas with high-quality agricultural soils, the limitations of the Canada Land Inventory as a means of identifying quality agricultural area, and the lack of certainty in the current right-to-farm legislation.

Agricultural viability When the Food Land Guidelines were adopted in 1978, they were part of a "Strategy for Ontario Agriculture," which also put forward the idea of income security for farmers. Virtually all submitters agreed that protection of quality agricultural land is an important goal, both to protect the rural economy and to provide food security. Although farm income security, crop insurance, property tax relief, and capital assistance programs are in place, current market conditions in some sectors, and the possible impact of further free-trade and General Agreement on Tariffs and Trade agreements, have resulted in considerable uncertainty about both the short- and long-term economic future of agriculture. The most specific concerns were expressed by the tender-fruit farmers in the Niagara Peninsula, where a case was made that under current market conditions tender-fruit farming is not economically viable. Similar concerns were also expressed in the Central and Eastern Ontario forums, where lower quality soils in more marginal climatic conditions make farming less economically viable in current markets. In the absence of a stronger income support policy, creation of residential lots on poorer quality pockets of land was suggested as an alternative source of farm income. A submission from one county council disagreed strongly with that option, stating: "Severances and urban development in agricultural areas will not save farming or protect Canada's future food supply." The Commission agrees and has recommended policies to protect quality agricultural areas. These economic issues cannot be dealt with through a land-use policy under the *Planning Act*. They need to be addressed by economic policies of the provincial and federal governments if farming is to be viable over the long term.

Urban sprawl Although the Food Land Guidelines require justification for the conversion of agricultural land for urban purposes, the general feeling among the agricultural community and others is that low-density urban sprawl on quality farmland has continued relatively unhampered by policy. There is a concern about the equity involved in farmers and rural communities having restricted development options while major urban areas seem to expand at will. The Commission is recommending strong policies to contain the expansion of cities.

Lack of options Many areas of Southwestern Ontario contain only high-quality agricultural soils. Although agriculture continues to be a critical part of the local economy, the decline in the number of farms and in farm income means a decline in the local economy. Other sources of income are needed for farmers as well as for other community members. On-farm options such as secondary uses on farms should be permitted, as should additions to existing settlements. The Commission's recommendations support these options.

Canada Land Inventory The Canada Land Inventory was criticized by a number of submitters who said it was not a reliable method for evaluating the long-term capability of soils for agricultural use. Inaccuracy in the inventory, changing markets, inadequate consideration of climatic limitations for a wide range of agricultural commodities, lack of consideration of fragmentation, and incompatible development were noted as limitations. The Commission is recommending that Class 4 lands not be included in the definition of quality agricultural land, and that municipalities work with the Ministry of Agriculture and Food in developing alternative evaluation methods for identification of quality agricultural areas.

Right to farm In 1988, the province enacted the *Farm Practices Protection Act*. Popularly called right-to-farm legislation, the Act provides a forum for review and resolution of farm-related nuisance conflict. Since the Farm Practices Protection Board was established under that Act, it has resolved nine complaints. None of these has proceeded to the courts. Farmers were concerned that although the existing legislation and related appeal processes appear to be effective for avoiding legal confrontation, neighbours still can complain about farm practices and subject farmers to investigation and review. The minimum separation distances set out in the Agricultural Code of Practice are useful in preventing nuisance problems between agricultural and other uses. Consideration should be given to bringing forward the changes recommended to the code in 1985.

Conservation

Per capita, Ontario residents are among the world's greatest consumers of energy and water, and generators of waste. Increased water consumption has led to a strain on our infrastructure, resulting in the failure of a large number of septic systems and demands for expansions of sewage-treatment plants. Land-use decisions have a direct impact on the use of the automobile and resulting carbon dioxide emissions. The province has a clear interest in ensuring that conservation strategies are pursued.

We must begin to look seriously at conservation policies at the front end of the planning process, when cost-effective measures can be taken. Appropriate design of communities and siting of buildings can help reduce our consumption of resources.

It is also important to reduce the need for private automobile use in daily life. As a number of submissions made clear, constraints posed by climate and travel distances, especially in Northern and rural Ontario, must be taken into account in trying to reduce automobile dependency, and for this reason the policy is cast in general terms.

A number of submissions also supported the conservation of energy and resources embodied in the materials of existing structures, and a policy on this matter is included.

Non-renewable Resources

Non-renewable resources include mineral aggregates (sand and gravel, for example), minerals (industrial, metallic, and non-metallic minerals), and petroleum resources (oil and gas). The mining and use of these resources is an integral part of the economy of the province and, therefore, a matter of provincial interest.

Although sand and gravel pits, mining operations, and oil and gas wells are represented by different interests and different ministries, they share certain land-use attributes. They can be developed or extracted only where the resource is found, which means there are limited choices where an operation can be established. The actual development of these resources generally constitutes a heavy industrial-type operation with significant potential for environmental and nuisance impacts. They are controversial when close to other uses and require regulation to ensure responsible set-up, management, and rehabilitation. Even with this type of regulation, however, these operations are intrusive neighbours. Provincial policies are needed to protect the resources for future use and to allow for the establishment and operation of facilities.

Mineral aggregates In 1986, the province adopted a Mineral Aggregate Resources Policy Statement (MARPS) under section 3 of the *Planning Act*. The policy directs planning jurisdictions to identify and protect from incompatible uses both existing pits and quarries and "as much of the mineral aggregate resources occurring in the municipality as is realistically possible," in the context of both the other land-use planning objectives and the local, regional, and provincial need for mineral aggregates. In 1990, the *Pits and Quarries Act* was replaced by the *Aggregate Resources Act*, with new regulations governing licensing, operations, penalties, and rehabilitation in designated areas.

Mineral aggregates are used extensively in construction, and transporting them from the excavation to the site where they are used becomes a significant part of total costs. As a result, pits and quarries are located as close as possible to the urban areas where the demand exists. There are both economic and environmental reasons for keeping the travel distances short.

The location and quality of Southern Ontario mineral aggregate deposits are fairly well documented. These deposits are not evenly distributed across municipalities, but are concentrated where there are glacial, moraine, or limestone deposits — which means that aggregate excavation is much more significant in some communities than in others. Because of their nature, aggregate deposits tend to be located in environmentally important areas such as the Niagara Escarpment and the Oak Ridges Moraine. As restrictions are put on these areas, and as other areas are mined out, more pressure is put on previously unexcavated areas farther from the urban area where the demand is located. This trend has led to major controversies.

The Mineral Aggregate Resources Policy Statement has been implemented in municipal official plans, following discussions between the municipalities and the Ministry of Natural Resources to define "as much of the mineral aggregate resources ... as is realistically possible" to protect. Although the policy has had some success in defining areas to be protected for future extraction, it has not proven as effective in avoiding conflict when a licence application is made to open up a previously unextracted area. Because current provincial policy statements do not provide any direction on priorities or on how to resolve conflicting policies, each municipality must consider these issues, case-by-case, in developing official plans or official plan amendments.

The Commission is not recommending any significant changes to the MARPS, since the Commission recognizes that provincial policies can deal only with some of the problems related to aggregate extraction. In the Draft Report, the Commission recommended that the Ministry of Natural Resources form a task force of affected parties to review outstanding problems with the *Aggregate Resources Act*, including priorities for extraction, levies, and notification for the establishment and operation of wayside pits. After reviewing these matters further, the Commission has concluded that a major task force exercise is not needed at this time. The Ministry of Natural

Resources is completing a major study on the state of aggregate resources of Southern Ontario, and the Commission is recommending that the Ministry of Natural Resources work with municipalities, the industry, and other organizations to determine the sequence for extraction of primary aggregate resources.

The Commission also recognizes that the results of changes under the *Aggregate Resources Act*, which was enacted in 1990, are just beginning to be felt. A major review is not appropriate at this time.

However, the Commission is recommending that the Ministry develop strategies for dealing with contraventions of the *Aggregate Resources Act* and the enforcement of aggregate licence conditions and wayside pit permits. In addition, the Commission is recommending that the Ministry, in consultation with municipalities, the industry, and others, review the amount of fees assessed against aggregate operations and the proportion allocated to municipalities.

Minerals and petroleum resources Mineral resources are largely regulated under the *Mining Act*, through the Ministry of Northern Development and Mines. Industrial minerals such as salt, graphite, talc, and gypsum are mostly produced in Southern Ontario, although some industrial minerals (notably barite, silica, and talc) are produced in the north. Metallic minerals are mainly mined and processed in Northern Ontario, and to a lesser extent on the pre-Cambrian shield in Eastern Ontario. The exploration and production of petroleum resources, which include oil, natural gas, and underground natural gas storage facilities, are regulated by the Ministry of Natural Resources under the *Petroleum Resources Act* and the *Mining Act*. Most petroleum resource activity occurs in Southwestern Ontario.

Although considerable mineral resource exploration with sophisticated remote surveillance equipment has occurred in areas of high mineral potential, the specific location of many deposits remains unknown until ground exploration occurs. Much of the exploration will occur on Crown land and undeveloped land, although during the Commission's public forum in Timmins in March 1993, exploration for gold was taking place under the city's downtown. There is a provincial interest in assuring the future of the mineral and petroleum resource industries. Planning policies should provide for the future exploration and development of these resources by not allowing incompatible development to impede access to known potential resource deposits. At the same time, however, policies should allow for non-renewable resource areas to be used for other purposes if the public interest would be better served.

The Commission recommends that:

8. **To address outstanding issues related to mineral aggregate resource operations, the Ministry of Natural Resources, in consultation with municipalities, the industry, and others:**
   - **(a) Determine the sequence for extraction of primary aggregate resources.**
   - **(b) Develop strategies for dealing with contravention of the *Aggregate Resources Act* and the enforcement of aggregate licence conditions and wayside pit permits.**
   - **(c) Review the amount of fees assessed against aggregate operations and the proportion allocated to municipalities.**

Implementation

Many submissions raised concerns about the implementation of policies: when they would become effective; how they would be implemented; who would implement them; and how value judgements would be made.

The best way to answer these questions is in the policy statements themselves, and the Commission recommends a section on implementation.

If policies are adopted under existing legislation, planning authorities would be required to "have regard" to them. If legislation is passed as recommended by the Commission, decisions would be required to "be consistent with" them.

Policies should become effective immediately on adoption under section 3 and should apply whether or not municipal plans have been amended to reflect such policy. New policies should apply to any plan or development proposal not fully approved. Thus, new policies would apply to any decision approved by a municipality, but still awaiting approval at the provincial level. Development applications requiring no further approvals would not be affected. Subdivisions with "draft approval" fit into this category since, if specified conditions are met, no further approvals are required.

However, there may be some instances where a development proposal has achieved such a status in the approval process, that attempting to implement the full force of newly adopted policy would be unfair.

A number of organizations representing the development industry have stated very clearly that a reasonable transition agreement for planning policy must be devised. One submission noted that land development is "a gradual process in which incremental changes occur over a long period of time" and "the economic viability of investments is frequently dependent on anticipated future development," making the process "especially vulnerable to changes in policy."

The challenge is to set criteria to deal with the application of policy to ongoing development projects.

It would not be reasonable to "grandfather" all projects for which an application has been made. Some applications have long been abandoned in spirit, and they should receive no special status. Some have been submitted to create a negotiating position. Some will be able to meet new policy with no great trouble. Some might require substantial alteration to meet new policy, but such change might be quite feasible. Some, however, are part of a phased development where investments in infrastructure have already been made, and new policy might cause considerable upset.

There seems to be no easy way to determine the extent to which new policy would apply to individual applications filed before policy was adopted. Discretion will have to be used to make this determination. The matters to take into consideration in exercising this discretion are: planning and front-end agreements; issues considered and decisions and formal agreements already made with municipalities; and conformity of the application to current municipal plans and provincial policy.

The implementation policy should also set out the province's role in providing guidelines, information, and mapping assistance to support the policies. Questions of the advisory status of guidelines and the need for public involvement in their preparation — discussed earlier in this chapter — should be addressed. In addition, the policy should define the responsibility of municipalities to incorporate the provincial policies in planning documents and should set out requirements for environmental impact studies.

Recommended Provincial Policies

The Commission recommends that:

9. **The following comprehensive set of policy statements be adopted by the province, after further consultation, under section 3 of the *Planning Act*.**

A. Natural Heritage and Ecosystem Protection and Restoration Policies

Goal: to protect the quality and integrity of ecosystems, including air, water, land, and biota; and, where quality and integrity have been diminished, to restore or remediate to healthy conditions.

1. Development may be permitted only if the quantity and quality of water in ground- and surface-water systems are not impaired in the short and long term.

2. Development shall not be permitted in significant ravines, river, stream, and natural corridors, and in the habitat of endangered, threatened and vulnerable species. Development shall not be permitted in significant woodlots south of the northern boundaries of the District Municipality of Muskoka, and the counties of Haliburton, Hastings, Lennox and Addington, Frontenac, and Lanark. Development shall not be permitted on adjacent and related lands if it adversely affects the integrity of the natural features or ecological functions of the areas included in this statement. New infrastructure shall be located outside of these significant features unless it is demonstrated there is no reasonable alternative.

3. In the Great Lakes – St. Lawrence Region, development shall not be permitted within provincially significant wetlands. On adjacent lands, development may be permitted only if it does not result in any of the following: loss of wetland functions; subsequent demand for future development that will have an adverse effect on existing wetland functions; conflict with existing site-specific wetland management practices; and loss of contiguous wetland area. This shall be demonstrated by an environmental impact study (EIS) prepared in accordance with established procedures and carried out by a proponent addressing all these issues. On adjacent lands, established agricultural activities are permitted without an EIS.

   In the Boreal Region, development may be permitted in provincially significant wetlands and adjacent lands only if it does not result in any of the following: loss of wetland functions; subsequent demand for future development that will have an adverse effect on existing wetland functions; and conflict with existing site-specific wetland management practices. This shall be demonstrated by an environmental impact study (EIS) prepared in accordance with established procedures, and carried out by a proponent, addressing all these issues.

On adjacent lands, established agricultural activities are permitted without an EIS.

New infrastructure shall be located outside provincially significant wetlands unless it is demonstrated there is no reasonable alternative. Approval authorities shall consider alternative methods and measures for minimizing impacts on wetland functions when reviewing proposals to construct transportation, communications, sanitation, and other such infrastructure in provincially significant wetlands.

4. Except for areas covered in policies A2 and A3, areas of natural and scientific interest, groundwater recharge areas, significant wildlife habitat, and shorelines will be classified into areas where either (a) no development is permitted or (b) development may be permitted only if it does not adversely affect the features and functions for which the area is identified. In the Great Lakes – St. Lawrence Region, locally significant wetlands will be classified into areas where either (a) no development is permitted or (b) development may be permitted only if it does not adversely affect these wetland functions.

5. Except for areas covered in policies A2 and A3, development on lands adjacent to lakes, rivers, and streams may be permitted only if it does not impair water quality or adversely affect shoreline vegetation, bank stability, and wildlife habitat.

6. Development may be permitted only if there are no adverse effects on, or is no net loss of, fish habitat within the same watercourse.

7. Development shall not be permitted in the floodway of a defined storm, or in the flood plain where the floodway is not defined, except with the consent of, or in special policy areas approved by, the Ministry of Natural Resources or a conservation authority. Where development is permitted in the flood fringe, structures may be permitted only if protected by flood-proofing actions appropriate to the purpose for which the structure is used, including the ingress and egress of vehicles and pedestrians during times of flooding.

8. Development on lands adjacent to the Great Lakes and their connecting channels and the St. Lawrence River shorelines shall not be permitted within areas susceptible to 100-year flood levels and 100-year erosion limits unless mitigative measures have been taken to address flood, erosion, and related hazards.

9. Development may be permitted on hazardous sites only if it does not present a risk to public safety, public health, and property.

10. The need to remediate contaminated air, water, and soil, their systems, and contaminated sites will be determined, and an appropriate plan for site remediation will be approved and implemented, before above-grade building permits are issued.

11. In decisions regarding development, every opportunity will be taken to: improve the quality of air, land, water, and biota; maintain and enhance biodiversity compatible with indigenous natural systems; and protect, restore, and establish natural links and corridors.

B. Community Development and Infrastructure Policies

Goal: To manage growth and change to foster communities that are socially, economically, environmentally, and culturally healthy, and that make efficient use of land, new and existing infrastructure, and public services and facilities.

1. Social and human needs will be addressed by an adequate distribution of facilities and services available to residents diverse in ability, age, income, and culture.

2. Public streets and places used by the public will be planned to meet the needs of pedestrians and be designed to be safe, vibrant, and accessible to all, including the disabled.

3. The well-being of downtowns and main streets will be fostered.

4. To encourage economic opportunities that enhance job possibilities and broaden the economic base of communities, a supply of zoned land will be maintained sufficient to meet anticipated needs.

5. Communities will be planned to minimize the consumption of land, promote the efficient use of infrastructure and public service facilities, and, where transit systems exist or may be introduced in the future, promote the use of public transit.

6. The efficiency of transportation systems shall be maximized by coordinating transportation plans with those of other relevant jurisdictions, integrating transportation modes, and making optimal use of existing transportation systems before proceeding with system expansion.

7. In existing built-up areas served by public sewage and water systems, intensification and mixed uses will be encouraged by appropriate land-use designations and zoning.

8. Extensions to built-up areas served by public sewage and water systems may be permitted only if the following conditions are met:
   (a) new development areas are logical extensions of the existing built-up areas, and will be served by public sewage and water systems; and
   (b) a strategy for the development, staging, and financing of the infrastructure for the extension is adopted; and
   (c) opportunities for the efficient use of land, infrastructure, and public service facilities through intensification and mixed uses in existing built-up areas are provided; and
   (d) the extension will have a compact form and a mix of uses and densities that efficiently use land, infrastructure, and public service facilities; and
   (e) if the extension is to include quality agricultural land, it is demonstrated there is no reasonable alternative to accommodating the growth anticipated.

9. Extensions to built-up areas not served by public sewage may be permitted only if the following conditions are met:
   (a) new development areas are logical extensions of the existing built-up areas; and
   (b) the long-term adequacy of private on-site or public or communal systems of water supply and sewage treatment is demonstrated; and
   (c) a strategy for the development, staging, and financing of any needed infrastructure and public service facilities for the extension is adopted; and
   (d) the extension will have a compact form and densities and uses appropriate to the water and sewage systems proposed; and
   (e) if the extension is to include quality agricultural land, it is demonstrated there is no reasonable alternative to accommodating the growth anticipated.

10. In recreational and rural areas other than quality agricultural areas, development that is not an extension of the built-up areas of communities may be permitted only if the following conditions are met:
    (a) rural and recreational characteristics are defined and policies to protect those characteristics are set out in the municipal plan; and
    (b) the cumulative impacts of development on rural and recreational characteristics and on natural features and functions are assessed and are acceptable; and
    (c) the long-term adequacy of private on-site or public or private communal systems of water supply and sewage treatment is demonstrated; and
    (d) the long-term public costs of reasonably expected infrastructure and public services and public service facilities are assessed and are acceptable.

11. Reasonable public access to public land and water bodies will be maintained or provided.

12. Policies and decisions regarding infrastructure and development will respect and conserve significant landscapes, vistas, ridge-lines, and areas of natural beauty.

13. Policies and decisions regarding infrastructure and development will respect and conserve significant cultural and historical patterns, built heritage, and cultural resources.

14. On lands containing significant archaeological heritage, development shall not be permitted where, by its nature, the resource must be preserved on site to ensure its heritage integrity. In other cases, development may be permitted if the site is studied and significant archaeological heritage is catalogued, analysed, and removed by licensed archaeologists prior to development.

15. The continuous linear characteristics of significant transportation and infrastructure corridors and rights-of-way, including abandoned railway corridors, will be protected.

16. New permanent town sites shall not be permitted in areas without municipal organization, and development in areas without municipal organization will generally be restricted. New permanent town sites shall not be permitted for the purposes of resource extraction.

17. Development will be planned to minimize the impact of noise, odour, and other contaminants generated by major facilities such as airports, transportation corridors, sewage-treatment facilities, waste sites, industries, and aggregate activities, on sensitive uses such as residences, hospitals, and schools.

C. Housing Policies

Goal: To provide opportunities in each municipality for the creation of housing that is affordable, accessible, adequate, and appropriate to the full income and age range of present and expected future households.

1. The opportunity for a full range of housing types to accommodate households diverse in ability, age, and income will be provided in all communities served by public sewage and water systems.

2. The area used to determine housing needs in relation to number of units and affordability is the same as the geographical boundary of the upper-tier municipality, separated municipality, city in the North, planning board, or planning authority. Where the urban area extends over those boundaries, then the area used will incorporate the larger geographical boundary.

3. (a) Opportunities will be provided so that at least 30 percent of new units created through residential intensification and development will be affordable to households in the lowest 60th percentile of household income distribution in the area.
   (b) In large-scale housing development projects, such opportunities will be provided.

(c) Innovative development and redevelopment, small-scale intensification, residential conversion, and government programs will be used, where possible, to create opportunities for half of the housing provided through Policy C3(a) to be affordable to households in the lowest 30th percentile of household income distribution.

4. Where land owned by the provincial government is declared surplus and development for housing is proposed, the province will create the opportunity for the development of affordable housing. Small sites will be dedicated to not-for-profit housing; large sites will serve a broader income range.

5. A sufficient supply of land designated for residential redevelopment or development will be maintained to allow for the provision of a full range of housing to meet present and future housing needs. Municipalities served by public sewage and water systems will maintain at least a three-year supply of zoned land and a ten-year supply of land designated for residential redevelopment or development.

D. Agricultural Land Policies

Goal: To protect quality agricultural areas for long-term agricultural use.

1. Quality agricultural areas will be protected for agricultural use, except as noted herein. Other agricultural areas may also be protected.

2. Extensions of communities that include quality agricultural lands may be permitted if the conditions outlined in policies B8 and B9 are met.

3. Infrastructure and public service facilities shall be located outside quality agricultural areas unless it is demonstrated there is no reasonable alternative.

4. Lot creation in quality agricultural areas may be permitted only for primary agricultural uses, infrastructure, public service facilities, or residences surplus to farming operations as a result of farm consolidation.

5. Separation distances in agricultural areas between new development and existing uses will be adequate to ensure no adverse effects from odour, dust, noise, and light generated by primary agricultural uses.

E. Conservation Policies

Goal: To pursue energy conservation, water conservation, and the reduction, re-use, and recycling of waste.

1. Patterns of land use and development will be planned and modified to best promote efficiency of energy and water use and reduce per capita consumption.

2. Water and energy conservation and waste minimization measures will be incorporated into the siting and design of landscaping, infrastructure, and buildings.

3. Patterns of land use and development will be planned and modified to encourage the most efficient modes of transportation and to reduce the need for private automobile use in daily life.

4. Transportation systems in urban areas will be designed to give priority to energy-efficient low-polluting travel, including priority to walking, bicycling, and public transit, where appropriate.

5. The built environment and its embodied energy and resources will be conserved, where possible, through re-use, recycling, and renovation.

F. Non-renewable Resources Policies

Goal: To protect non-renewable resource operations, significant deposits of non-renewable resources (including mineral aggregates, minerals, and petroleum resources), and areas of significant non-renewable resource potential for resource use.

1. Existing non-renewable resource operations, significant deposits of non-renewable resources, and areas of significant non-renewable resource potential will be protected from incompatible uses.

2. In areas of significant non-renewable resource potential, uses that do not preclude future access to and development of these potential resources may be permitted.

3. Development on lands adjacent to existing operations and areas of significant known deposits of non-renewable resources will be permitted, provided the development does not preclude continuation of the existing operations, does not preclude development of the remaining resource, and addresses issues of potential public health and safety.

4. Development may be permitted in areas of significant known deposits of non-renewable resources where extraction is not feasible; or where existing or proposed uses serve a greater long-term interest of the general public than does access or extraction; or where it would not significantly preclude or hinder future extraction.

5. Rehabilitation of non-renewable resource lands will be required after extraction. In areas of quality agricultural land, rehabilitation will be carried out to achieve substantially the same land area and soil capability for agriculture as existed prior to extraction, except where high-water conditions make it impossible and the operation has been issued approval to extract below the water table.

G. Implementation Policies

The following principles shall be used to implement provincial policies and make them effective:

1. Policy takes effect after Cabinet approval and on publication in the *Ontario Gazette*, and applies to all planning applications under the *Planning Act*.

2. Policy statements shall be implemented by municipalities through municipal plans, plans of subdivision, consents, zoning by-laws, minor variances, and other planning tools, and by other planning jurisdictions through their decisions.

3. Policy applies whether or not municipal plans have been amended to reflect such policy.

4. New policies apply to applications made but not finally approved when the policy takes effect. In applying new policies to such applications, the applicant and all planning jurisdictions must make their best efforts to achieve the policy to the greatest extent possible. Decisions of planning jurisdictions on such applications must be tempered by fairness, including a consideration of: planning and front-end agreements, issues considered and decisions and formal agreements already

made with municipalities and other planning jurisdictions, and conformity of the application to current municipal plans and consistency with provincial policy.

5. The Ministry of Municipal Affairs and Planning, together with other ministries, and in consultation with the public, may prepare guidelines to assist planning jurisdictions in implementing policy statements. Such guidelines will be advisory only and shall not derogate from policy.

6. Ministries will provide available information to planning jurisdictions on matters of provincial significance outlined in policy statements, and will assist planning jurisdictions in mapping and developing their policies.

7. Conflicts between policies will be resolved by the clear meaning of words. For example, if one policy prohibits development in provincially significant wetlands and other policies encourage aggregate extraction or affordable housing, the prohibition should rule out both extraction and housing in that wetland. Where conflicts still remain, those conflicts will be resolved in municipal plans as municipalities make best efforts to make decisions consistent with provincial policies.

8. Municipal plans will include maps or other descriptions of areas referred to in policy statements.

9. An environmental impact study (EIS), as outlined in legislation, will be required for development proposals in the following areas:
   - lands adjacent to a significant ravine, river, stream, or natural corridor, or to the habitat of endangered, threatened, and vulnerable species, or to provincially significant wetlands in the Great Lakes – St. Lawrence Region;
   - lands adjacent to significant woodlots defined in Policy A2;
   - provincially significant wetlands and adjacent land in the Boreal Region;
   - those parts of areas of natural and scientific interest, groundwater recharge areas, significant wildlife habitat, and shorelines where development is not prohibited;
   - land adjacent to lakes, rivers, and streams; and
   - where development is proposed which may impact fish habitat.

   An EIS shall include:
   (a) a description of the existing natural environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
   (b) the environmental effects that might reasonably be expected to occur;
   (c) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
   (d) a monitoring plan to measure the potential effects on the environment.

   An environmental impact study will provide a basis for assessing adverse effects.

Definitions

Adjacent land Land contiguous to an identified natural feature or function, or resource. For the purpose of Policy A3 concerning wetlands, adjacent lands means (a) those lands within 120 metres of an individual wetland area, and (b) all lands connecting individual wetland areas within a wetland complex.

Affordable Annual cost of housing, including mortgage, principal, and interest payments as amortized over 25 years with a 25 percent down payment, or gross rent, that does not exceed 30 percent of gross annual household income.

Agricultural activity Ploughing, seeding, harvesting, grazing, or animal husbandry, or buildings and structures associated with these farming activities. It includes these activities on areas lying fallow as part of a conventional rotation cycle.

Agricultural use Primary agricultural uses are: (1) The growing of crops or raising of livestock, including poultry and fish. (2) Farm-related commercial and farm-related industrial uses that are directly related to the farm operation and are required to be in close proximity to farm operations. Secondary agricultural uses are secondary to the farm operation, such as home occupations, home industries, and uses that produce value-added agricultural products from the farm operation. Agricultural drains are primary and secondary agricultural uses.

Archaeological heritage The remains of any building, structure, activity, place, or cultural feature or object which, because of the passage of time, is on or below the surface of land or water, and is of significance to the understanding of the history of a people or place.

Areas of natural and scientific interest Areas of land or water, as identified by the Ministry of Natural Resources, representing distinctive elements of Ontario's geological, ecological, or species diversity and including natural landscapes or features of value for natural heritage protection, scientific study, gene pools, and education.

Biodiversity The variety of life in all forms, levels, and combinations. It includes ecosystem diversity, species diversity, and genetic diversity.

Biota All plant and animal life.

Boreal Region The part of Ontario defined as the Boreal Region in figures 1 and 3 of the *Wetlands Policy Statement*. (For information purposes, the region is an area north of a line running roughly between Sault Ste. Marie and Temagami.)

Built heritage A building, structure, monument, or installation (or a group of them), or remains, associated with architectural, cultural, social, political, economic, or military history.

Built-up area The area where development is concentrated and contiguous with the developed portions of hamlets, villages, towns, and cities.

Contaminated site Property or lands that, for reasons of public health and safety, are unsafe for development as a result of past human activities, particularly those activities that have left a chemical or radioactive residue. Such sites include some industrial lands, electrical facilities, and some abandoned non-renewable resource operations.

Cultural resource May include archaeological or built heritage resources and structural remains of historical and contextual value, as well as human-made rural, village, and urban districts, or landscapes and tree lines of historic and scenic interest.

Cumulative impact The combined effects or potential effects of one or more development activities in a specified area over a particular time period. They may occur simultaneously, sequentially, or in an interactive manner.

Defined Storm The Hurricane Hazel storm (1954) or the Timmins storm (1961) or the 100-year storm, whichever is greatest, in the planning area, or other standard approved by the conservation authority or Ministry of Natural Resources.

Development (1) The construction, erection, or placing of a building or structure. (2) The making of a significant addition or alteration to a building or structure. (3) A significant change in use or in intensity of use of any building, structure, or premises. (4) Activities such as site-grading, excavation, removal of topsoil or peat, or the placing or dumping of fill. (5) Drainage works. The maintenance of existing municipal and agricultural drains is not "development" for the purpose of these policies.

Ecosystem Systems of plants, animals, and micro-organisms, together with the non-living components of their environment and related ecological processes.

Endangered species Any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be threatened with immediate extinction throughout all or a significant portion of its Ontario range. Endangered species are identified in Regulations under the *Endangered Species Act*.

Farm consolidation The joining together of two farm parcels that are abutting.

Fish habitat The spawning grounds and nursery, food supply, and migration areas upon which fish rely to live.

Flood fringe The outer portion of the flood plain between the floodway and the limit of flooding expected from the defined storm.

Flood plain The area of land adjacent to a watercourse that may be subject to flooding during the defined storm. It includes the floodway and the flood fringe.

Floodproofing A combination of structural changes or adjustments incorporated into the basic design or construction of buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.

Floodway The channel of a watercourse and the inner portion of the flood plain, where flood depths and velocities are generally higher than in the flood fringe. It is the area required for the safe conveyance and discharge of flood flow resulting from a storm less intense than the defined storm, or where water depths and velocities are such that they pose a potential threat to life or property on or near the flood plain.

Great Lakes – St. Lawrence Region The area of Ontario defined as the Great Lakes – St. Lawrence Region in figures 1 and 3 of the *Wetlands Policy Statement*. (For information purposes, the region is south of a line running roughly between Sault Ste. Marie and Temagami.)

Groundwater (1) Water occurring below the soil surface that is held in the soil itself. (2) Subsurface water, or water stored in the pores, cracks, and crevices in the ground below the water table. (3) Water occurring in the zone of saturation below the earth's surface.

Groundwater recharge area An area from which there is significant addition of water to the groundwater system.

Hazardous site Property or lands that, for reasons of public health, safety, or potential property damage, are unsafe for development as a result of naturally occurring or human-made perils. They may include unstable lands or areas subject to change as a result of their previous use as mining sites, sites prone to erosion, slopes and banks, unstable soils such as some organic and clay soils, areas of unstable bedrock, orphaned wells, capped wells, and underground caverns.

Infrastructure Physical structures that form the foundation for development. Infrastructure includes public sewage and water systems, storm-water disposal systems, waste management facilities, electric power, communications and transportation corridors and facilities, and oil and gas pipelines.

Intensification The development of a property or site at a higher density than previously existed. It includes (1) redevelopment, or development within existing communities; (2) infill development, or development on vacant lots or underdeveloped lots within a built-up area; (3) conversion, or the change of use of an existing structure or land use; (4) creation of apartments or other accommodation in houses.

Mineral aggregate Sand, gravel, shale, limestone, dolostone, sandstone, and other mineral materials suitable for construction, industrial, manufacturing, and maintenance purposes, but excluding metallic minerals, fossil fuels, and non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, and rock salt.

Minerals:

Industrial minerals are generally synonymous with non-metallic minerals and include any mineral, rock, or other naturally occurring substance of present or potential economic value, exclusive of metallic ores, mineral aggregates, and mineral fuels.

Metallic minerals have a high specific gravity and a metallic lustre from which metals (such as copper, nickel, or gold) are derived.

Non-metallic minerals lack the common properties of metallic minerals, such as metallic lustre or high specific gravity, and are generally of value for intrinsic properties of the mineral itself and not as a source of metal. They are generally synonymous with non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, and rock salt.

Mixed use A variety of uses in a building or community in close proximity, possibly including housing, recreational, and commercial, institutional, industrial, or other employment uses.

Non-renewable resource operations (1) Legally existing pits and quarries, oil, gas, and brine wells, and mining operations, including associated production and processing facilities. (2) Areas of existing mining land dispositions (mining leases and patents). (3) Past-producing mines, pits, and quarries with remaining mineral development potential.

Petroleum resources Included are oil and gas deposits and underground natural gas storage facilities.

Provincially significant wetland (1) A Class 1, 2, or 3 wetland in that part of the Great Lakes – St. Lawrence Region below the line approximating the south edge of the Canadian Shield, as defined in *An Evaluation System for Wetlands of Ontario South of the Precambrian Shield* (MNR, 1984). (2) A wetland identified as provincially significant by the Ministry of Natural Resources through an evaluation system developed specifically for other areas of Ontario.

Public service facilities Buildings and structures for the provision of public services.

Public services Programs and services provided or subsidized by a government or other public body. Examples include social assistance, health, and educational programs, and cultural services.

Quality agricultural area An area where quality agricultural land predominates.

Quality agricultural land Land that includes specialty crop lands and/or Canada Land Inventory Classes 1, 2, and 3 agricultural capability soils. Quality agricultural land may also be identified through an alternative land-evaluation system approved by the Ministry of Agriculture and Food.

Specialty crop land Areas where specialty crops such as tender fruits (peaches, grapes, cherries, plums), other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from: (1) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or (2) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

Rehabilitate After extraction, to treat land so that the use or condition of the land is restored to its former use or condition, or is changed to another use or condition that is or will be compatible with adjacent land uses.

Rural and recreational characteristics Elements of a municipality's physical, environmental, social, or cultural fabric through which its identity or uniqueness has evolved and is defined. Examples include historic settlement patterns, natural or cultural resources, waterways, and distinctive landscapes or vistas.

Sewage and water systems:

Private communal systems are sewage works and systems, and water works that provide for the distribution, collection, or treatment of sewage or water not connected to full public systems; are for the common use of more than five units of full-time or seasonal residential occupancy; and are owned, operated, and managed privately.

Private sewage and water systems, including on-site systems, are sewage works and systems, and water works, that are owned, operated, and managed privately and used by five or fewer properties or units.

Public communal systems are sewage works and systems, and water works that provide for the distribution, collection, or treatment of sewage or water not connected to full public systems; are for the common use of more than five units of full-time or seasonal residential occupancy; and are owned, operated, and managed by the municipality or other public body.

Public sewage and water systems are sewage and water works, owned by the municipality or the province and provided to serve the whole municipality or a substantial part of it.

Significant In regard to natural features and functions, ecologically important to the natural environment in terms of amount, content, representation, or effect and contributing to the quality and integrity of an identifiable ecological region. In regard to matters other than natural features and functions, important in terms of amount, content, representation, or effect.

Threatened species Any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be experiencing a definite non-cyclical decline throughout all or a major portion of its Ontario range, and that is likely to become an endangered species if the factors responsible for the decline continue unabated.

Transportation system Public corridors, transit systems, roads, pathways, and other facilities for the movement of people or goods. Modes of transportation in these systems may include automobile, bus, train, truck, aircraft, bicycle, or foot.

Unorganized areas Those parts of the province without municipal organization.

Vulnerable species Any indigenous species of fauna or flora that is represented in Ontario by small but relatively stable populations, and/or that occurs sporadically, or in a very restricted area of Ontario, or at the fringe of its range, and that should be monitored periodically for evidence of a possible decline.

Wetland area A single contiguous wetland, which may be composed of one or more wetland types. Two or more wetland areas, plus their adjacent lands, form a wetland complex.

Wetland functions The biological, physical, and socio-economic interactions that occur because wetlands are present. Included are groundwater recharge and discharge, flood damage reduction, shoreline stabilization, sediment trapping, nutrient retention and removal, food-chain support, and fish and wildlife habitat.

Wetland management practices The activities undertaken by municipal or provincial public bodies, or by private landowners or individuals, to modify or enhance wetland features or functions to meet specific objectives.

Wetlands Lands seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of water has caused the formation of hydric soils and has favoured the dominance of hydrophytic, or water-tolerant, plants. The four types of wetlands found in Ontario are bogs, fens, marshes, and swamps. Lands being used for agricultural purposes, that are periodically "soaked" or "wet," are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time, are considered to have been converted to alternate uses.

Wildlife habitat Areas of the natural environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection, or food supply. Wildlife include all wild mammals, birds, reptiles, amphibians, fishes, and invertebrates. Areas included may be deer yards, nesting areas, aquatic habitat, waterfowl staging areas, and habitat of endangered, threatened, and vulnerable species.

Woodlot A hardwood, softwood, or mixed wooded area of more than one hectare, covered in trees to a density of (1) at least 1000 trees per hectare of all sizes, or (2) 750 trees per hectare measuring over 5 centimetres in diameter, or (3) 500 trees per hectare measuring over 12 centimetres in diameter, or (4) 250 trees per hectare measuring over 20 centimetres in diameter.

4
The Provincial Role

The provincial government has the responsibility of providing the framework within which planning takes place. It is responsible for the legislation — the *Planning Act* — that provides municipalities with the authority to plan and sets out procedural requirements to ensure equity and due process in planning decisions.

The province must also articulate provincial policy to provide a context for municipal planning decisions, and where appropriate it should formulate provincial plans.

The province has other important functions, such as providing information, undertaking research, advising municipalities, reviewing and approving municipal plans, and reviewing some significant development applications.

This chapter outlines a number of recommended changes in the way the province carries out its responsibilities.

Lead responsibility for coordinating policy-making and planning under the *Planning Act* should be assigned to one ministry, and the Commission is recommending that the Ministry of Municipal Affairs be given the responsibility and renamed the Ministry of Municipal Affairs and Planning (MMAP).

To facilitate the province's role in developing policy and preparing provincial-level plans, two committees are recommended: a Provincial Planning Advisory Committee (PPAC), and an Interministerial Planning Committee (IPC).

As well, improvements are recommended for provincial planning administration, permits and licences, the provision of information, monitoring, education and training, and grants and subsidies.

Policy and Planning

Policy development and the preparation of plans are separate but related exercises. Provincial policies establish provincewide direction on specific issues, whereas provincial plans consist of policy direction applied to a particular geographic area. In both cases, the processes used in developing the policies or plans must be open to the public and involve municipalities. The implementation mechanisms must be effective and administratively straightforward.

Provincial Policy

Provincial policy must be clearly stated and developed in a manner credible to those affected. This is important for two reasons:

1. Provincial policy provides a context for provincial planning decisions.
2. It defines the framework within which municipal planning can occur.

Considerable dissatisfaction exists with the present system of provincial policy development, which is characterized by confusion about what policy is, how it is developed, and how it gets expressed. Some accuse the province of developing provincial policy in isolation, without effective involvement of interested parties. Some have noted that the current approach does not ensure coordination among ministries or among policy areas, and that the process is not as open to public involvement as it should be. Some say it often seems that policy belongs to a ministry rather than to the government as a whole or the people of Ontario.

A policy-making process that is fair, open, accessible, accountable, coordinated, and effective is essential. New mechanisms are required at the provincial level to ensure effective consultation in the formulation of policy.

Generally, a good process for formulating provincial planning policy should include the following steps:

1. Provide notice of intent to formulate a policy about a particular subject, including the suggested timetable for decision-making and a description of the process to be followed.
2. Allow opportunity for early comment.
3. Where appropriate, create a small working committee (or committees) to help produce background studies and a draft policy.
4. Publish a draft policy document and background studies addressing options.
5. Provide opportunities for public review, including, where appropriate, public meetings.
6. Make a recommendation to Cabinet for decision.

Section 3(2) of the Act now requires the Minister of Municipal Affairs to "confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers to have an interest." This requirement gives the Minister flexibility, but it does not provide much direction or assurance about public input. The scope of consultation should be broadened, and at the same time the process should be made more specific. The *Planning Act* should require the province to consult on proposed policy, including giving notice and providing a fair opportunity for public comment.

In order to facilitate policy-making, two committees should be established at the provincial level, with members to be appointed by the Minister of Municipal Affairs and Planning.

The committees would provide focus and integration for the planning policy-making function of the government as a whole by creating forums for discussion — and clarification — of the issues. These two committees would involve many of the parties that have a clear interest in planning and policy.

The first of these committees, the Provincial Planning Advisory Committee (PPAC), would undertake consultation and would provide the government with advice on provincial planning policies. The second, the Interministerial Planning Committee (IPC), would provide a forum for achieving interministerial coordination and resolving conflicts.

The Commission recommends that:

10. The *Planning Act* be amended to require the Minister of Municipal Affairs and Planning, before issuing a policy statement, to consult on the proposed policy, including providing notice and providing a fair opportunity for public comment.

Provincial Planning Advisory Committee (PPAC)

The Commission recommends the *Planning Act* be amended to provide for the establishment of a Provincial Planning Advisory Committee (PPAC). It should consist of no more than 20 members, representing the diverse interests in the planning system such as the development industry, environmental groups, municipalities, farming groups, community groups, Aboriginal interests, planners, and architects. PPAC was discussed in the Commission's Draft Report, and several submissions agreed that the committee would be unwieldy if its size were larger than about 20 members. Some submissions emphasized the importance of geographical distribution, with strong representation from Northern and rural communities. The Commission agrees the government should ensure adequate geographical representation.

The prime responsibilities of the Provincial Planning Advisory Committee, regarding policy, would be to:

- review proposals for policy referred by the Minister or submitted by the public;
- recommend to the Minister, for approval, an annual agenda of planning policy priorities for the committee;
- direct the preparation of background studies, directing assigned staff and retaining consultants, as needed;
- direct public consultation on policy matters, using special committees, as needed, with diverse interests and expertise in particular policy issues;

- review the results of the public consultation and then provide feedback to the public on the recommendations made (explaining how public input was considered);
- make recommendations to the Minister for provincial policies, providing supporting rationale; and
- review the effectiveness of existing planning policy.

As noted later in this chapter, PPAC should also play a role in provincial planning initiatives.

A number of submissions to the Commission expressed concern that PPAC would amount to just more bureaucracy — another layer in the approval process. Others suggested PPAC should become involved in reviewing Ministry budgets and in setting research agendas. However, those are government responsibilities. PPAC should be the link between the government and the public in policy formulation — it should be an advisory committee, not involved in day-to-day decisions or administration — and it must play no role in reviewing or approving municipal plans or development applications.

PPAC should be an ongoing committee, meeting regularly, with members appointed by the Minister of Municipal Affairs and Planning for limited terms. The chair should also be appointed by the Minister. Members of PPAC should, where appropriate, receive per diems and expenses for meetings. PPAC should be supported by staff from the Ministry of Municipal Affairs and Planning and, as appropriate, from other ministries. As well, PPAC should have its own administrative staff and budget. It is expected that the modest staff expenditures for PPAC will be secured through the reallocation of existing resources.

Interministerial Planning Committee (IPC)

The coordination of different ministry interests and activities in land-use planning is very important. Various submissions noted that coordination does not occur frequently enough.

Deputy ministers concerned with planning issues now meet on a regular basis. This mechanism should be formalized to provide integration and coordination of provincial planning policy, and to allow for the resolution of policy conflicts. It should be called the Interministerial Planning Committee (IPC).

The ministries represented on IPC should be: Municipal Affairs and Planning, Environment and Energy, Natural Resources, Housing, Agriculture and Food, Transportation, Finance, and Management Board. The deputies of other ministries with an interest in planning should be involved as necessary, depending on the policy issues being addressed. Such ministries could, for example, include: Economic Development and Trade; Culture, Tourism and Recreation; Education and Training; Northern Development and Mines; and Community and Social Services. A number of submissions suggested the IPC should include more ministries on the ongoing committee, but a large committee of all ministries with an interest in planning matters would be unwieldy and ineffective.

Since the Ministry of Municipal Affairs and Planning is being recommended to coordinate the province's planning activities, the committee should be chaired by the deputy of that ministry.

With respect to policy, the prime responsibilities of the Interministerial Planning Committee would be to:

- coordinate policy activities among ministries and resolve policy conflicts;
- arrange for appropriate staff resources and information to support PPAC; and
- advise the Minister of Municipal Affairs and Planning and other ministers on policy activities.

To ensure liaison between the government and the Provincial Planning Advisory Committee, at least two representatives of the Interministerial Planning Committee should be included on PPAC.

Regular liaison between PPAC and the IPC will be important to ensure that the interests of both committees are fully addressed and the expertise of all members is utilized. Close cooperation will not be guaranteed by a structural relationship, but will depend on the goodwill of members of both committees. In addition to having at least two members of the IPC assigned to sit on PPAC, the committees should hold joint sessions to work out any problems and approaches.

The Interministerial Planning Committee will involve no new staff resources.

Provincial Planning

The province's role in developing provincial-level plans has not been very clear.

But plans are as necessary — and as desirable — at the provincial level as they are at the municipal level. Provincial planning would help the government make informed decisions about vital issues such as where to spend limited funds, how to protect large-scale natural features, and where to locate needed infrastructure. Some provincial planning is now occurring: there is the Oak Ridges Moraine study, and also the work of the Office of the Greater Toronto Area. The Ministry of Municipal Affairs is currently pursuing various planning initiatives, but the mandate for provincial plans is not entirely clear. Areas that might benefit from provincial plans include the Lake Simcoe area, Eastern Ontario, and the eastern shore of Georgian Bay.

Provincial planning could serve a number of purposes, including:

- setting area priorities and direction on a general level, touching on larger economic, environmental, and social issues;
- dealing with specific issues crossing municipal boundaries that are too complex for several municipalities to deal with on a joint basis;
- addressing issues that require consistent application of policies across municipal boundaries; and
- dealing with infrastructure such as transportation, sewage, and water, which involves provincial capital expenditures.

Although the province has used several different approaches over the years, there is no commonly accepted process for implementing this kind of planning.

Like other good planning processes, provincial planning should identify problems, review alternatives, evaluate the specific choices that seem available, and recommend a course of action. The Commission is recommending that provincial plans be developed through a process that involves substantial consultation, and that the same approach outlined for the formulation of provincial policy be used for provincial plans.

The Provincial Planning Advisory Committee should be responsible for this consultative process, with the Ministry of Municipal Affairs and Planning providing the necessary staffing. With the approval of the Minister, PPAC should establish special committees representing interests — including those of municipalities — in that part of the province subject to the planning exercise. Such committees would ensure the best possible input for the drafting of plans.

PPAC and any committees it helps establish, whether for planning or policy-making, should operate in a public fashion. As part of the consultation process, reports and background studies should be readily available.

The implementation of provincial plans must be carefully thought out. What is needed is an administratively simple approach that does not duplicate municipal planning activities. At the same time, plans must be enforceable.

Currently, several options exist for implementing provincial plans. The *Ontario Planning and Development Act* provides one mechanism for provincial planning, but it has not been used often because of cumbersome procedures that require the time and attention of Cabinet for even minor changes and amendments. Another option is special legislation, such as the *Niagara Escarpment Planning and Development Act*. The Commission is not making recommendations regarding either piece of legislation. Further, the Commission is not making recommendations on the administration of the Niagara Escarpment Commission.

Another route would be to formalize plans as provincial policy statements under the *Planning Act*. This option would regularize the planning process, giving provincial plans clear status but not requiring elaborate new administrative structures. These policies would provide clear direction for municipal plans. Municipalities would be required to act in a manner consistent with these plans. Maps could be included in the policy statements, with the precise boundary lines of designated areas implemented through municipal plans and zoning by-laws. Legislation should clearly authorize the adoption of provincial plans as policy statements.

The Commission recommends that:

11. The *Planning Act* be amended to provide for the establishment of a Provincial Planning Advisory Committee (PPAC), consisting of no more than 20 members representing the diverse interests in the planning system, appointed by the Minister of Municipal Affairs and Planning. PPAC will have the following functions:
    (a) Review proposals for provincial planning policy and plans referred by the Minister or submitted by the public.
    (b) Recommend to the Minister, for approval, an annual agenda of policy and planning priorities for the committee.
    (c) Direct the preparation of background studies, directing assigned staff and retaining consultants as needed.
    (d) Direct public consultation on policy and planning matters, using special committees having diverse interests and expertise in particular policy issues or representing interests in specific parts of the province.
    (e) Review the results of the public consultation, and provide feedback to the public on the recommendations made and how public input was considered.
    (f) Make recommendations to the Minister for provincial planning policies and plans, providing supporting rationale.
    (g) Review effectiveness of existing planning policy and plans, and make appropriate recommendations.

12. To provide coordination among ministries on planning matters, an Interministerial Planning Committee (IPC) of deputy ministers from ministries that have a direct interest in land-use planning in Ontario be established, chaired by the deputy minister of the Ministry of Municipal Affairs and Planning. The committee's mandate would include coordinating policy and planning activities among provincial ministries and working with the Provincial Planning Advisory Committee (PPAC) on provincial policy and planning proposals.

13. The *Planning Act* be amended to provide that provincial plans be adopted as policy statements under the Act.

Ministry of Municipal Affairs and Planning (MMAP)

Lead responsibility for policy-making and planning under the *Planning Act* at the provincial level should be assigned to one ministry, which the Commission suggests be called the Ministry of Municipal Affairs and Planning (MMAP).

Other ministries will continue to be involved in developing provincial planning policies of specific interest to their functions, but responsibility for provincial planning policy initiatives, coordination, and response should be assigned to MMAP. Restructuring of the Ministry may be required to accommodate new responsibilities and priorities.

The prime responsibilities of the Ministry of Municipal Affairs and Planning regarding policies and provincial planning would be to:

- administer the *Planning Act*;
- coordinate provincial activities regarding policies and planning for land-use and related matters, including studies, analysis, and monitoring;
- play a leadership role in resolving interministerial disputes; and
- work with the Provincial Planning Advisory Committee.

The Commission recommends that:

14. **Responsibility for provincial planning policy initiatives, coordination, and response be assigned to the Ministry of Municipal Affairs, which should be renamed the Ministry of Municipal Affairs and Planning.**

15. **The Minister of Municipal Affairs and Planning be given lead responsibility for planning functions in the province. To exercise this responsibility, the Minister should receive notice of municipal planning matters and be given the following responsibilities in respect of municipal planning functions:**
    (a) Administer the *Planning Act*.
    (b) Coordinate provincial activities regarding policies and planning for land-use and related matters, including studies, analysis, and monitoring.
    (c) Play a leadership role in resolving interministerial disputes.
    (d) Work with the Provincial Planning Advisory Committee.

Minister's Powers

The Commission is recommending that the Minister of Municipal Affairs and Planning be given lead responsibility for planning functions in the province. To exercise this responsibility, the Minister should be given powers described below.

Approvals

The Commission's Draft Report proposed that once the first plan was approved by the province under a comprehensive statement of provincial policies, then the method to ensure consistency and conformity would be simple notification and circulation of decisions, with the right to appeal to the Ontario Municipal Board in cases of dispute. The proposal was that the province would not have plan approval after the first plan.

Many municipalities expressed delight at the Draft Report's proposal that no approvals would be needed from a higher level of government. They felt the ability of municipalities to approve their plans would reduce the lengthy delays now involved in obtaining provincial approvals. It was seen as a good method of making the provincial bureaucracy more accountable and cutting out considerable duplication.

However, a number of other submissions criticized this proposal, from three perspectives. First, it was suggested that disputes between governments would often go forward to the Ontario Municipal Board without having had a fair chance of being resolved through local discussion and negotiation. One submission said the proposal was undesirable because "it reduces the ability of the province or an upper-tier municipality to effectively implement policies; it relies more heavily on utilization of the OMB or court to settle disputes; it removes necessary checks and balances from the system; and it could lead to conflict between levels of municipal government." Another submission argued that the proposed arrangement was by its nature adversarial. Retaining approval power would ensure reasonable attempts by governments to settle their differences instead of taking them before a third party like the OMB. There was concern that additional appeals would further overload the OMB and create more delays.

Second, there was a fear that some municipalities would forge ahead without significant regard for important policies, hoping to proceed without being challenged. Having no strong provincial approval system would favour those municipalities less inclined to plan well.

Third, as one submission noted,"unless legislated to do so, ministries would not voluntarily be involved to ensure provincial policies are implemented consistently and thoroughly by municipalities."

The Commission considered several methods of dealing with these concerns in a way that did not require approval by another level of government. Requiring a municipality to have on staff a full-time qualified planner was

one proposal, but many submissions questioned the kind of guarantee that that method gave to the quality of political decisions, and others showed that some municipalities planned in an effective manner using consultants rather than staff. Another idea was to require a director of planning to sign a certification of consistency or conformity, but many suggested that a planner's job could well be in jeopardy if, against council's wishes, certification was not given. Few planners wished to be put in that position.

There was considerable support for maintaining provincial approvals for plans and plan amendments.

The Commission came to the conclusion that the most effective, straightforward, and least adversarial manner of ensuring consistency with provincial policy is to require provincial approval of the plans and plan amendments of upper tiers, separated municipalities, cities in the North, planning boards, and planning authorities. For similar reasons, the Commission concluded that once a comprehensive set of planning policy statements is in place, upper tiers with plans should have the authority to approve lower-tier plans and plan amendments. This approval authority would include the authority to modify plans and plan amendments.

This approach would ultimately lead to a significant reduction in the number of plans the province would have to approve. (Where an upper-tier plan was in place, the province would not have to approve any lower-tier plans and plan amendments.)

In Chapter 7, Lot Creation and Development Control, the Commission recommends that once a comprehensive set of planning policy statements is in place, the province delegate subdivision approval authority to regions, counties, separated municipalities, cities in the North, planning boards, and planning authorities with plans.

There will be situations where there are no upper-tier plans in effect, and where provincial approval of plans, plan amendments, and plans of subdivision will continue to be exercised.

Thus, the Commission is recommending that the Minister of Municipal Affairs and Planning approve plans and plan amendments of regional governments, counties, separated municipalities, cities in the North, planning boards, and planning authorities. Where no regional, county, or planning board plan exists, the Minister's approval powers will continue for plans and plan amendments of local municipalities. In all cases, the approval authority should continue to include the authority to modify plans and plan amendments.

Appeals

Ministries now have the authority to appeal some decisions, such as zoning by-laws and consents. That authority should be extended to all municipal planning matters. The Commission is recommending that the Minister, as well as other ministers, be permitted to appeal any municipal planning decision within the same timeframe, and subject to the same rules, as other objectors.

Emergency Powers

In cases of emergencies, the Minister should have the power to impose an interim control order on any site or area where there is a provincial interest that is not addressed by provincial policy, and where that interest will not be protected unless the Minister intervenes. This power would be parallel to the interim control by-law provisions now available to a municipality. An interim control order would be effective for up to one year, renewable for no more than one further year. Notice similar to that required by municipalities for control by-laws must be given to affected parties (that is, notice within 30 days). The purpose of the interim control order would be to allow time to create and enact appropriate provincial policy. However, because such an order could affect individual rights, its imposition should be subject to an appeal to the Ontario Municipal Board within 45 days of notification. The interim control order would expire with adoption and implementation of policy.

Zoning Controls

Currently, the Minister has the authority to impose zoning orders to regulate land use anywhere in Ontario, on land with and without local zoning controls in place. This authority is commonly used in unorganized areas, where no municipal zoning powers exist. Although infrequently used in municipalities, the Minister's zoning orders do have the effect of overriding existing

municipal zoning by-laws. The Commission believes that, in order to remove possible duplication with municipal controls, the exercise of this power should be limited to areas without zoning controls. If the province is to intervene directly in municipal planning matters, it must be on a policy basis, as contemplated in the emergency power discussed above.

The Commission is recommending that the Minister be authorized to place a zoning order on any site or area without local zoning controls where there is a provincial interest that will not otherwise be protected. The right of appealing such orders to the Ontario Municipal Board should be retained.

Withdrawal of Approval Authority

Where the powers of the Minister of Municipal Affairs and Planning are delegated to municipalities, the Minister is now permitted to remove those delegated powers. This authority is rarely used, but it should continue to be available to the Minister. In addition, the Minister should be permitted to withdraw assigned consent powers.

Declaration of Provincial Interest

Under the *Planning Act*, if the Minister of Municipal Affairs declares a provincial interest in a matter that has been appealed to the Ontario Municipal Board, then the decisions of the OMB are subject to confirmation or variation by the Lieutenant Governor in Council. This ministerial power creates a great deal of uncertainty and instability at the end of the OMB process, and it should be repealed. The Minister has a number of other powers that allow adequate expression of the provincial interest.

The Commission recommends that:

16. The Minister of Municipal Affairs and Planning:
- **(a) Continue to have the authority to approve plans and plan amendments of regional governments, counties, separated municipalities, cities in the North, planning boards, and planning authorities. This approval power includes the ability to modify plans and plan amendments.**
- **(b) Continue to, where no regional or county plan exists, have the authority to approve plans, plan amendments, and plans of subdivision of local municipalities, and the *Planning Act* be amended to give the Minister the authority to charge an administrative fee for this function.**

17. The Minister of Municipal Affairs and Planning, as well as other ministers, be permitted to appeal any municipal planning decision within the same timeframe, and subject to the same rules, as other objectors.

18. The *Planning Act* be amended to give the Ministry of Municipal Affairs and Planning the following authority:
- **(a) The Minister of Municipal Affairs and Planning be authorized to impose an interim control order on any area or site where there is a provincial interest that will not otherwise be protected, effective for up to one year and renewable for no more than one year, pending development of a provincial policy to address the provincial interest at issue. Notice must be given to affected parties within 30 days, and an appeal to the Ontario Municipal Board may be filed within 45 days of notification.**
- **(b) The Minister of Municipal Affairs and Planning be authorized to place a zoning order on any site or area without local zoning controls where there is a provincial interest that will not otherwise be protected. The right of appealing such orders to the Ontario Municipal Board should be retained.**

(c) The Minister's powers to remove delegated authority from municipalities continue, and the Minister be given additional authority to withdraw assigned consent powers.

(d) The authority of the Minister to issue declarations of provincial interest and the associated authority of Cabinet to confirm, vary, or rescind decisions of the Ontario Municipal Board — as set out in sections 17, 22, and 34 of the *Planning Act* — be repealed.

Administration of Provincial Planning

How can plan approval and review be delivered efficiently by the province? It is unlikely that funds for new provincial staff will be found, and the Commission assumes that these tasks must be performed within existing staff complements, or even with reduced complements. Thus, excellent use must be made of the limited staff available — a challenging task since there are currently complaints about the time taken for provincial review and approval.

The following proposals are made with a view to creating more effective ways of using staff resources for the protection of provincial interests, whether through approval or review.

Regional Planning Review

Staff from all provincial ministries should work together to ensure tasks are performed well. This, of course, is much easier said than done. Ministries each have their own mandate, and those mandates on occasion conflict. The proposed Interministerial Planning Committee should bring some coordination of policy at the highest levels, but if provincial interests are to be protected, coordination must occur in the field as well.

Most decisions by provincial staff about the specific application of provincial policy should be made in the area where the municipality or site is located. As often as possible, staff in regional offices should be authorized to make decisions about the review and approval of plans and development proposals. This proposal represents a shift in decision-making. Current arrangements require the Minister's approval of municipal plans, and these powers have not been delegated as far down the ladder in the Ministry as the field level.

Regional offices have a good understanding of local circumstances, and staff are readily accessible to local interests. The assumption that complex cases are more reasonably resolved further up the decision-making ladder is not always valid. Clear policy, which provides direction for approval decisions and ensures consistency across regions, allows the Minister to delegate to field staff the authority to make decisions. The Minister of Municipal Affairs and Planning should delegate planning approval power to Ministry regional offices, and in a time of staff cut-back use all techniques possible to ensure this is effective.

Obviously, there will be cases where advice may be sought from head office. These cases may concern matters where there is an emerging provincial interest, such as new provincial infrastructure being planned, or where other "big picture" questions are involved. They may also involve situations where conflicts between ministries cannot be resolved at the field level. It will be important that head office communicate these planning interests to regional offices so regional staff can perform their jobs well.

All provincial ministries should coordinate activities at the regional level. Regional planning review committees should be established, with members drawn from staff of the main ministries concerned about municipal planning and development decisions — Municipal Affairs and Planning, Environment and Energy, and Natural Resources. In Northern Ontario, the Ministry of Northern Development and Mines should also be part of the committee. Each regional planning review committee would be chaired by staff from MMAP. Staff from other ministries would be brought in as required.

There should be five or six regions established for this purpose, such as Southwestern, Central, Eastern, Northeastern, and Northwestern.

One hurdle is that there is no common set of regional boundaries used by all provincial ministries. Each ministry has its own geographical divisions, making it difficult to coordinate regional decision-making. It is unreasonably optimistic to expect those boundaries to be rationalized quickly. Instead, the key ministries must agree on common boundaries for planning matters — a task that can be achieved without a lengthy and contentious process of boundary rationalization.

Each regional planning review committee should also include a planning staff member from the municipalities served, chosen by the regional head of the Ministry of Municipal Affairs and Planning from those nominated by the municipalities. This individual would provide an excellent link between the provincial and municipal levels and ensure a good exchange of information and a knowledge of exactly what administrative problems exist, and why. He or she would work with the committee on process and evaluation matters but, to ensure no conflict, should not be involved in the actual decisions made. The province (through MMAP) should reimburse the municipality for the actual staff time involved.

The regional planning review committee should be able to make clear to municipalities what is expected of them in matters submitted for approval or comment, and timeframes should be agreed upon. The joint nature of the exercise should help remove the distance between municipalities and provincial staff.

Each regional planning review committee should, in conjunction with municipalities served, establish a screening mechanism to ensure that the work of assessing plans and applications is not duplicated by different ministries. As well, such a mechanism should ensure the documents for consideration are circulated only to the appropriate agencies/bodies. The screening process should enable municipalities to take on more responsibility to resolve issues before they go to the regional planning committee, and to be alerted to issues about which the province might have concerns.

Screening criteria should address such matters as: defining when an application is "complete"; defining when ministries/agencies/bodies should have documents circulated to them; and assessing the results of prior circulation to ministries to determine whether outstanding issues remain to be addressed.

At the present time, a number of different ministries, agencies, and municipal departments review matters that are closely related, sometimes producing conflicting recommendations. This is the case with storm-water management and fish habitat protection, where five different interests are involved: the Ministry of the Environment and Energy, the Ministry of Natural Resources, the conservation authority, the upper tier, and the lower tier. The activities of different bodies dealing with the same issues must be coordinated. One ministry should be given lead responsibility in such cases, and part of that responsibility should be to develop a coordinated strategy.

The Commission recommends that:

19. **To provide for improved administration of provincial review and approval responsibilities:**
    (a) **Regional planning review committees consisting of interested ministries be established, chaired by the staff member of the Ministry of Municipal Affairs and Planning.**
    (b) **Provincial plan approval and development review be delegated to the Ministry of Municipal Affairs and Planning staff on that committee.**
    (c) **A planner nominated by the municipalities served by the committee be assigned to it to help with administrative review, with costs paid by the Ministry of Municipal Affairs and Planning.**
    (d) **Procedures be established, following consultation with municipalities served, on screening and on approval and review periods.**

20. **Where responsibilities concerning related matters (such as storm-water management and fish habitat protection) are distributed among more than one ministry, agency, or level of municipal government, one ministry be assigned lead responsibility and be required to develop a coordinated strategy.**

Permits, Licences, and Technical Matters

When making decisions about plans and development applications, the province has a number of resources at its disposal: provincial policies under section 3 of the *Planning Act*, implementation guidelines related to policies, other guidelines, and the ability to issue permits and licences. In many cases, the question of whether policy is being met will be determined by the extent to which standards set out in guidelines or required for permits and licences are met. Some standards are set under legislation such as the *Environmental Protection Act*, while others have emerged as matters of informal practice to help simplify decision-making on complicated issues.

Permits and licences are often applied for and considered as the development application reaches its most detailed stage. The sorts of matters that are considered and are well known to applicants and planners include: acceptable levels of impact on cold- and warm-water streams; conditions for access to provincial highways; municipal sewage and water capacity; drinking water quality and quantity for private wells; decommissioning of former industrial or contaminated sites; storm-water quality and quantity; impact on fisheries; noise and vibration impacts; private septics, including nitrate impact; habitat; forestry; and endangered species.

There are several concerns about these matters. First, the standards involved should be well known; second, they should not change without notice and public discussion; and third, decisions about whether they are met should be made expeditiously.

To make the planning process meaningful, fundamental requirements for permits and licences should be built into municipal plans. They will then be considered very early in the process. Even though all these matters involve questions of detail, there are clear provincial interests involved.

Several of these issues are now being addressed at the provincial level, and procedural changes have been recommended to help expedite provincial approvals of permits and licences for projects that have received planning approval. As well, the draft Environmental Bill of Rights, proposed in July 1992, addresses questions of certainty, notice, and public input into the development and implementation of environmental policy and regulations. The Commission is supportive of both initiatives, but more needs to be done. Further efficiencies can likely be achieved by:

- Clarifying the standards, performance criteria, and guidelines to be met, including agreement on the methodology to be employed.
- Delegating functions to qualified municipalities.
- Allowing certification by appropriate professionals, and peer review.

If certification or peer review is to be allowed, the criteria or standards and their application need to be clearly understood. At the present time, criteria are

not always clear. Even when they are, there may be disputes in interpreting whether a specific proposal will satisfy the criteria and in determining the studies that may be required and the proper methodology for those studies.

As a first step, ministries should set out the standards and criteria to be met and the methodology considered advisable, ensuring all are well known and the applicant or municipality understands the nature of the tests applied. The information should be available through the offices of regional planning review committees.

In cases where no firm criteria can be set out, the matter being reviewed should be outlined clearly so everyone understands the kinds of issues being decided.

Several people have noted that a comprehensive manual of provincial permits and licences would be helpful. In 1992, the Greater Toronto Home Builders' Association published a useful guide to provincial approvals. As well, the Commission has compiled a tentative list of provincial permits and licences. More work is needed, however, and the Ministry of Municipal Affairs and Planning should regularly publish an up-to-date booklet on required provincial permits and licences.

Where standards and criteria are agreed on, it should not be necessary for provincial staff to review each proposal to determine if it meets those standards. Decision-making can generally be left to municipalities that have staff qualified to make those decisions. Questions of liability are involved if decisions made are later found to be in error, and these questions should be addressed directly in delegation agreements between ministries and municipalities.

Two additional techniques of review and approval mentioned in submissions are professional certification and peer review. The former method involves a professional certifying that a certain proposal meets known standards (and assuming liability if an error is later found). Professional engineers perform this function for building structures; lawyers for property title. Certification is an appropriate method to determine if a proposal meets a clear and known standard, and it should be more widely used in the provincial review and approval process.

Peer review involves a professional conducting an independent review of another professional's conclusions. Some municipalities now use this approach — for example, the Regions of Halton and Waterloo — and it is found to be a speedy, cost-effective, and reasonable way of coming to conclusions about complicated technical matters where it may be unwise to trust a single opinion. Funds for the peer review almost always come from the proponent. They are paid to the municipality, and the municipality retains the independent reviewer.

The Commission agrees that, in proceeding on complex matters, peer review is a reasonable alternative to review by ministry staff. It is often a good way of assessing a study submitted in support of a specific proposal. Generally, the important points are: that the review is carried out by someone capable of evaluating the study and the implications of what is proposed; and that the review is done in an independent fashion, where the reviewer has no interest in the outcome, other than being as accurate as possible about ultimate results.

In some cases, municipalities will have staff capable of ensuring that peer reviews achieve these objectives. In others, municipalities will need advice and guidance about the funding arrangements with the proponent, about the individuals to be chosen for the peer review, and about the cost of the review. If peer reviews are to proceed as a method to satisfy complicated provincial standards, they should be permitted only after the ministry involved and the municipality have signed a general agreement covering the required procedures.

The Commission recommends that:

21. **To provide for the improved administration of provincial permits, licences, and other technical approvals:**
    (a) **Ministries clarify the standards, performance criteria, and guidelines to be met, including the preferred methodology to be employed.**
    (b) **The Ministry of Municipal Affairs and Planning regularly publish an up-to-date booklet on required provincial permits, licences, and other technical approvals.**
    (c) **Ministries delegate to qualified municipalities the approval responsibilities for those permits, licences, and other technical approvals for which there are clear standards or criteria. The delegation agreements should include provision for certification by qualified professionals, in appropriate cases, and for peer review of technical studies.**

Timeliness

The Commission received many deputations suggesting a firm time limit be established for comments by provincial staff. Some suggested that, if the time limit is not met, then provincial approval should be assumed. Others suggested that provincial approval should not be assumed, but the province should be barred from making any comment in the future. A number of those who acknowledged the problem were at a loss for ideas for dealing with it.

The Streamlining guidelines issued in 1992 by the Ministry of Municipal Affairs suggested a timeframe of 90 days after screening for "straightforward" matters. Many who commented to the Commission seemed to think this period was reasonable.

The Commission believes its proposed administrative changes will result in much speedier processing. Many matters should be dealt with within 60 days, and most others within 90 days. Complex matters may require six months for consideration, depending on the amount of pre-consultation involved. The Commission recommends these timeframes as guidelines, but leaves the actual arrangements to the regional planning review committees and their discussions with the municipalities served.

No penalty should be imposed for not meeting time lines. In cases where provincial approval is required but no decision is forthcoming from the province within six months, then an appeal to the Ontario Municipal Board should be permitted.

Each regional planning review committee should regularly evaluate its own performance in adhering to policy and ensuring timeliness. The Ministry of Municipal Affairs and Planning should review these evaluations and provide provincewide assessments of the approval and review function in the regional offices.

The Commission recommends that:

22. **Regional planning review committees set targets for approving many development review matters within 60 days of receipt, and most others within 90 days, and more complex matters, such as municipal plans, within six months. Where the province has not made a decision within six months, an appeal may be made to the Ontario Municipal Board.**

The Province as Information Provider

The province should collect, interpret, and publish various kinds of useful information. Information provides a basis for determining provincial policy; it assists municipalities in preparing policies and maps required by provincial policies and the *Planning Act*; and it provides a base from which to monitor environmental and other indicators.

The province should play several roles in this area. One should focus on the development of systems, technology, and frameworks of information; another on the collection of data (for example, on satellite mapping or well-water quality); a third on the maintenance of information systems; and a fourth on the sharing of information with municipalities.

But information is not simply a provincial responsibility. Municipalities should also have responsibility for gathering local data as a basis for local planning policies and to meet provincial policies. Municipalities and the province should coordinate information-gathering to ensure duplication is minimized — as, for instance, in the case of hydrogeological studies, where coordination would likely create a useful matrix of information.

The province should encourage research to find solutions for existing problems, as it once did in the case of septic systems. A number of submissions to the Commission stated research would be helpful in the areas of urban safety, social impact analysis, and energy efficiency. Most of the useful research will be carried out in universities or by the private sector. Provincial ministries should assess proposed technology and other proposed solutions and make timely decisions on what may be authorized and used to meet needs in Ontario.

The Commission recommends that:

23. In fulfilling the provincial responsibility to provide information to support planning:
- **(a) Ministries develop and maintain systems, technology, and frameworks for data and information, and help coordinate information with municipalities;**
- **(b) Ministries promote research on proposed technology and other solutions related to planning and land-use matters for Ontario and assess and, where appropriate, approve them in a timely fashion.**

Monitoring

It is important that planning changes be reviewed at regular intervals, and many submissions to the Commission stressed the need for monitoring to ensure that decisions are consistent with policies and to ensure that policies are effective. The former is sometimes called compliance monitoring, while the latter is called effectiveness monitoring.

Monitoring systems can be very expensive to establish, and often a great deal of energy is spent to secure information that is obvious, irrelevant, or of limited value. Giving meaning to data is not always easy. In many cases, policy is effective for a variety of reasons that have to do with other factors. Accordingly, it does not seem helpful to suggest that complicated monitoring systems be established.

A number of approaches to monitoring have been helpful, but none is without limitations. One is to choose key indicators and to look at changes in those indicators, perhaps in relation to targets. The difficulty is in establishing — and agreeing on — meaningful key indicators and targets. A second approach is to require municipalities to prepare annual reports that focus on decisions and changes in local indicators — an onerous and often unproductive exercise.

A third approach is to use key informants to provide opinions based on their experience or expertise. The challenge here lies in asking the right people, and the right questions.

British Columbia has recently published a "State of the Environment Report for British Columbia," which provides information on a number of indicators documenting current status and trends.

The Commission is not in a position to recommend which approach or approaches should be pursued. However, monitoring must be done.

The Commission recommends that:

24. **The Ministry of Municipal Affairs and Planning, in conjunction with other ministries, institute a regular monitoring program on the compliance with and effectiveness of provincial planning policies, and that it be required to report at least every five years, providing a basis for the review of provincial planning policies.**

Education and Training

Many submissions noted the importance of education. Those involved in planning decisions must be informed about new planning techniques, research, and practice, and the province has an important role to play in this area.

For many years the province has sponsored training programs for clerks and planning administrators. This training is not to make the individuals planners, but to better equip them in their administrative functions. The province should continue to support these activities, either through offering this training directly or by ensuring that funds are available for clerks and planning administrators to receive such training from others.

Well-informed local councillors also represent an important resource. A number of councillors told the Commission they would benefit significantly from knowing more about planning. In the past, seminars were made available by the province for new councillors. These seminars should be reinstituted by the province for a modest fee.

A third approach is the annual one-day conference sponsored by field offices of the Ministry of Municipal Affairs. The Commission attended a number of these conferences throughout the province, and was impressed not only with the large attendance by councillors, municipal staff, consultants, and others, but also with the careful attention given to a range of speakers on municipal matters. Field offices should be encouraged to continue sponsoring these events, and appropriate funds should be provided. Given the popularity of these conferences and the educational experiences they provide, consideration should be given to sponsoring them twice a year.

The Commission recommends that:

25. **The Ministry of Municipal Affairs and Planning continue to sponsor or support training programs for clerks and planning administrators, to sponsor training seminars in planning for new councillors, and to encourage field offices in the Ministry to hold semi-annual conferences on planning and other municipal issues; and that appropriate funding be made available for these activities.**

Grants and Subsidies

The province has been involved in two kinds of grant programs to assist local planning: community planning grants, and planning administration grants for Northern Ontario. The total amount granted in the 1992/93 fiscal year under these programs was slightly less than $1.35 million.

The Community Planning Grant Program was established in 1975 to help municipalities of less than 15,000 produce planning documents and develop local planning administration. The population limit has since been removed.

About $20.4 million was distributed between 1975 and 1989 to more than 500 municipalities and planning boards. The Ministry of Housing contributed $850,000 in 1989/90 and 1990/91 to the Community Planning Grant Program to help fund municipal housing statements. In 1991/92, a total of $1 million was spent. A Cabinet moratorium has been declared on this program, and spending in the 1992/93 fiscal year was held to $1.01 million to fulfil commitments already made.

Planning Administration Grants have been provided to planning boards in Northern Ontario to assist with land-use planning in unorganized territories. This program started in 1977, and its annual budget has ranged from $250,000 to $485,000. All planning boards incorporating unorganized territory are eligible for grants. Grants are based on a complicated formula of number of households, size of the unorganized area, and powers given to the board. The amount spent in the 1992/93 fiscal year was $325,000, spread among the 18 eligible planning boards; $400,000 is allocated for 1993/94.

Special grants from different ministries are sometimes made available for special projects, such as the grant toward the Halton Region Urban Structure Review. (The amount and scope of these special grants are not included in any calculations here.)

There is no specific program under which watershed or sub-watershed plans are funded. However, grants by the Ministry of Natural Resources totalled $1.25 million in 1992/93 and funded 21 watershed planning projects at a 50 percent subsidy rate. The allocation for 1993/94 has been tentatively set at $2 million.

Provincial planning grants, although not representing a lot of money, have been effective in helping municipalities develop planning documents and implement provincial policies.

Cost of Planning

The total spent by municipalities for all planning activities and administration in 1991/92 was $173 million, which in the scheme of things is not a large figure.

Planning, after all, is the method by which we attempt to design the communities in which we will live. Architects fill a comparable role when they think about how a building might be built and advise on options. Architects may charge up to 10 percent of the cost of construction — and most people think that is money well spent.

Using that analogy for planning, we should consider how planning expenditures relate to expenditures on public and private construction works.

The data from several cities and counties indicate that planning expenditures vary from 2 to 7 percent of municipal capital expenditures, and from 0.2 to 0.5 percent of the value of building permits issued. Private developers themselves probably also spend at least that amount. But even with these figures added together, it would be difficult to say this level of expenditure is extravagant.

It costs less to plan well than to pay for the costs of not planning. "Not planning" means that decisions made today without forethought and analysis may, in a few years' time, create problems that prove extremely expensive — such as the need to provide water and sewage services when septics have failed, to restore a river or stream that has been polluted, or to overly subsidize public transit.

The processes being recommended by the Commission, including public involvement, are directed at ensuring that planning studies themselves are done efficiently. Like everything else, good planning has far less to do with the number of dollars thrown at the process than with the commitment of the participants to find good answers to problems.

Provincial Grant Program

The provincial government should have a reasonable planning-grant program which focuses on provincial priorities and supplies money that, although limited, can make a difference in planning at the municipal level. Such a program should have three priorities.

Many counties do not have county plans, and the highest priority should be support for the production of a first municipal plan at the county level. Grants should not exceed half the cost of any particular study, since it is important that the plan belong to the county. Provincial funding should help in the prompt creation of these plans, since it is important to get them in place quickly. (It should be noted that counties with plans have already received grants from the province.) A total annual allocation of at least $1 million should be considered for such grants.

The second priority should be grants to planning boards in Northern Ontario for developing first plans and for support of ongoing administration in the unorganized areas within planning boards. There should be no net loss of funding to planning activities in Northern Ontario. An annual allocation of at least $600,000 is suggested.

The third priority for provincial financial support should be watershed planning, available to all municipalities. Support should be directed toward watershed and sub-watershed studies where development pressures are greatest, or where natural indicators show serious change is occurring and should be addressed. Several conservation authorities which had undertaken watershed studies advised the Commission that money was not the most daunting problem. The difficult task is getting municipalities to agree to watershed planning; once that is achieved, the financial hurdles seem much less significant to all concerned. In any case, substantial funds are simply not available from the province. The total annual allocation suggested by the Commission for watershed studies is at least $1.5 million, and such funds should be distributed in ways that help lever more funds.

To ensure that municipalities are able to do high-quality and effective planning, some financial support from the province is imperative. Many submissions argued the need for increased financial resources for local municipal planning. Although provincial assistance for local municipal planning would be useful, the Commission believes substantial funds are simply not available from the provincial treasury; hence, the need for innovative ways of using whatever funds can be secured at the municipal level, such as through upper-tier and joint-planning mechanisms.

Subsidies

Provincial subsidies and grants should support and be consistent with provincial policy statements made under section 3 of the *Planning Act*. This point is not new. The Ontario Round Table on Environment and Economy, for example, recommended in its September 1992 report that all provincial subsidies and grants be reviewed to ensure that financial programs do not encourage urban sprawl.

Making subsidy and grant programs consistent with policies is not an easy task. Programs have been in place for many years, they often have several worthwhile (if competing) purposes, and they are lodged deep within ministries. The amounts involved in "inconsistent" programs are difficult to estimate. For instance, do subsidies to transit authorities in low-density communities encourage low-density development, or are they a necessary support for transit usage? And to what extent does the property tax system affect development forms? Responses to such questions may involve eliminating inconsistent programs or reviewing the conditions under which subsidies and grants are made.

The Interministerial Planning Committee should be given the task of reviewing ministerial grant programs for consistency with the comprehensive set of provincial policy statements. This review should not interfere with the continued flow of grants and subsidies during the review, and it should not involve itself in

decisions about individual applications. The IPC should be asked to report regularly to the Minister of Municipal Affairs and Planning on progress made on the review, with a final reporting date of not later than one year after adoption of a comprehensive set of provincial planning policies.

The Commission recommends that:

26. **The province provide grant programs to assist counties without county plans in developing them, in the amount of at least $1 million annually; to assist planning boards in Northern Ontario in developing plans and providing planning services in unorganized areas, in the amount of at least $600,000 annually; and to assist with watershed studies, in the amount of at least $1.5 million annually.**

27. **The Interministerial Planning Committee undertake a review to ensure that provincial grant and subsidy programs support provincial policy statements, and report to the Minister of Municipal Affairs and Planning within one year of the adoption of such statements.**

5 Planning and Aboriginal Communities

There are 126 First Nations in Ontario, affiliated with 193 reserves. In addition, there are four First Nations settlements not on reserves, as well as many other Aboriginal communities; about 80 percent of Ontario's Aboriginal population does not live on reserves. (For the purposes of this report, Aboriginal community includes First Nations, non-status Aboriginal, and Métis settlements and areas.) Of the province's Aboriginal communities, about one-fourth are located in Southern Ontario and three-fourths in Northern Ontario. There are 72 outstanding land claims filed in Ontario by First Nations, which apply to Crown as well as to private lands.

In 1991, the Ontario government and representatives of First Nations signed a statement of political relationship, which acknowledges the inherent right of First Nations to be self-governing within the framework of the Canadian Constitution. The Commission, in its work (including this Report), has reflected the Ontario position that First Nations should be treated as governments in their own right, rather than as special-interest groups, stakeholders, or third parties.

Many Aboriginal communities are adjacent or otherwise close to municipalities, and some are actually within a municipality. Given this proximity, municipalities and Aboriginal communities may have interests in shared natural features such as a water body or wetland, or they may share infrastructure such as roads or water supplies. They may also wish to cooperate on planning for economic development and employment opportunities. Land-use and development problems can arise as a result of circumstances such as the following:

- Development in municipalities or planning areas that affects reserve lands or lands owned or occupied by Aboriginals, or vice-versa. Examples would include a pit or quarry, landfill, or residential or industrial development.
- The absence of coordinated planning or a lack of agreement concerning the development and maintenance of shared infrastructure such as boundary roads or water or sewer facilities.
- Development that adversely affects shared natural features such as a water body or wetland.
- In a municipality or planning area, development on lands on which Aboriginals have an interest, such as a burial site or other sacred place.
- In a municipality or planning area, planning and development on lands on which there is a formal claim by Aboriginals, or on lands considered to be traditional lands.

A good planning process can help resolve these kinds of issues in a mutually satisfactory way. Consultation, and in some cases joint-planning, will be needed, along with the authority to act on the understanding or the plans that result.

Consultation and joint-planning between the provincial government and First Nations have so far dealt with Crown land. One example is the interim measures agreement between the province and the Nishnawbe-Aski Nation (NAN) in Northern Ontario, which requires notification to First Nations of government policies and proposals. Conflicts are reviewed by a tripartite interim measures group and recommendations are made to the federal, provincial, and NAN governments. A limited number of First Nations/provincial interim planning boards have also been established, among them the Windigo and Shibogama boards north of Sioux Lookout, and the board established under the Wendaban Stewardship Agreement in the Temagami area.

The emphasis in the current arrangements is on the co-management of Crown lands in the interests of both First Nations and the province, as reflected in the membership of the interim planning boards: half First Nations, half provincial. Although notification of and consultation with First Nations are part of these initiatives, there is no requirement or even a general provincial policy to notify Aboriginal communities of the development or sale of publicly owned land.

Some municipalities and First Nations — North Bay and Nipissing First Nation, for instance — have used agreements to address their common concerns, but such examples are rare. In general, little communication seems to exist between municipalities and Aboriginal communities on matters of land-use policies and development proposals. When exchanges take place, they are mostly informal and between staff, rather than between governing bodies.

The current *Planning Act* does not address the resolution of local, provincial, and Aboriginal community-planning and development concerns. No formal mechanisms exist that allow municipalities and Aboriginal communities to plan for shared infrastructure or to resolve concerns about the impact of development.

As the shape and scope of Aboriginal self-government continue to develop, the *Planning Act* and other legislation should provide opportunities for municipalities to work together with Aboriginal communities in addressing planning and development questions. Legislation should provide opportunities for joint-planning arrangements between municipalities or planning boards and Aboriginal communities. Such arrangements could foster a mutual understanding of the benefits and costs of development. Without prejudicing land claims, joint-planning could benefit both municipalities and Aboriginal communities.

Requirements in the *Planning Act* for notification by municipalities make no specific reference to Aboriginal communities. For minor changes such as rezoning, municipalities must notify land owners within 120 metres of the site of the application. If reserves or Aboriginally owned land falls within this distance requirement, notice is sent. Notice of more significant planning actions must be sent to local, provincial, and federal agencies and to municipalities within one kilometre, but Aboriginal communities are not included in this list.

When provincial approval of municipal plans or development applications is required, Aboriginal communities are notified if provincial officials determine reserve or Aboriginal lands "have an interest in the approval"; federal and provincial agencies dealing with First Nations' concerns are notified if they are considered to have "an interest."

In matters of land-use changes on reserve lands, little communication from Aboriginal communities to municipalities seems to take place. These lands are held in trust for First Nations and are considered to be "federal" and, therefore, outside the jurisdiction of municipal policies and by-laws. A number of submissions requested that just as municipalities should provide notice to Aboriginal communities, those Aboriginal communities should be required to notify municipalities of planning matters within the Aboriginal community. Issues of notification by First Nations on reserves cannot be

addressed, however, because the *Planning Act* does not apply to reserve land. Notification could be established by agreement between First Nations and either the province or municipalities.

Land claims are generally considered to be a matter resolved by federal, provincial, and Aboriginal interests. In general, municipalities have little knowledge of claims and negotiations and rarely take land claims into account in the course of their planning activities. At the same time, Aboriginal communities often fear municipal approval of development activity may adversely affect land claims. Both municipalities and representatives of First Nations suggested to the Commission that municipalities should be notified of claims and be advised of, or have the opportunity to observe, negotiations on claims.

The following recommendations would implement these suggestions. They should be considered as interim steps, without limiting opportunities for other solutions to be discussed or established as Aboriginal self-government evolves.

The Commission recommends that:

28. **A protocol or agreement be developed at the provincial level so that notice of development proposals or changes in use or tenure of provincially owned lands would be given to First Nations, non-status Aboriginal, and Métis settlements and areas.**
29. **The *Planning Act* be amended to authorize municipalities and planning boards to enter into agreements with First Nations and Aboriginal organizations regarding joint-planning, development, details of notification, servicing, and other matters within municipal jurisdiction. This authorization should explicitly note that outstanding land claims are not prejudiced because of such agreements.**
30. **Requirements in the *Planning Act* to notify an owner or a municipality, or a provincial or federal agency that has a relevant interest, be amended to specifically include First Nations, non-status Aboriginal, and Métis settlements and areas.**
31. **The province notify municipalities of land claims that affect their jurisdictions.**

6 Municipal Plan-making

Municipalities undertake most of the land-use planning in Ontario, so it is important to address municipal planning activities in considerable detail. This chapter outlines reforms to two aspects of municipal planning: decision-making structures, and plan-making. The Commission's proposals attempt to respect Ontario's diversity and the wide differences in planning practice and the capability to plan. They are made with a recognition that the Commission's mandate does not extend to municipal restructuring.

Decision-making Structures

Ontario has 831 municipalities. Two tiers of government cover most of Southern Ontario. At the upper tier are 27 counties and 12 regions; at the lower tier are numerous towns, townships, and villages, and some cities. In addition, 21 separated cities and towns and one separated township are located geographically in 16 counties, but are separate from the county political structure.

Two-thirds of counties do not have official plans; neither do two of the province's fastest-growing regions, York and Peel. Some 70 percent of municipalities have a population of less than 5000, and consequently have limited resources to undertake planning.

In Northern Ontario, half of the 800,000 residents live in five cities and the Regional Municipality of Sudbury; most of the rest live in 180 small municipalities, the majority of which have fewer than 5000 residents. Twenty-two planning boards cover some municipalities and unorganized areas.

Some 50,000 people live in areas without municipal organization, although 60 local services boards provide some of those residents with such services as fire protection, arenas and recreation, and street lighting. In addition, there are 250 local roads boards. None of these local boards provides planning services.

There are also more than 200 Aboriginal communities in Northern Ontario, including First Nations, non-status Aboriginal, and Métis settlements.

Municipal planning arrangements and structures in Ontario are diverse. All regions have planning staff and a strong planning function, although, as noted, two regions do not have plans. In Southern Ontario, ten counties have developed a county plan; eight other counties have a planning department but not a plan; and the remaining nine counties have neither planning staff nor a plan. Separated municipalities all have plans, but most undertake planning independent of surrounding counties and municipalities. Northern Ontario has no counties, although there are a variety of structures: regional government in Sudbury; planning boards in other areas; and stand-alone municipalities.

In an attempt to simplify terminology, the Commission has decided to use the terms "upper tier" to describe regions and counties, and "lower tier" to define the municipalities within regions and counties. (The Commission attempted to find

other words — one submitter noted that "tiers are not enough" — but none seemed to spark widespread agreement or support.)

In this Report, then, the term "upper-tier municipality" means any county, or a regional, metropolitan, or district municipality. The term "region" includes the 10 regions, the District Municipality of Muskoka, and the Municipality of Metropolitan Toronto. The roles and requirements of upper-tier municipalities also apply to separated municipalities, cities in the North, planning boards, and planning authorities. A "lower-tier municipality" is any city, town, village, or township within a county or a regional, metropolitan, or district municipality, that has representation on its respective upper-tier council.

Upper-Tier and Lower-Tier Planning

The management of change at the municipal level requires planning for broad issues, such as the protection of the natural environment and resources and the provision of infrastructure needed to support growth and change. As well, details within these broad issues should be addressed.

Environmental issues, general questions of economic and social change, and transportation and infrastructure planning all require a broad approach to planning. It is important that this broad planning perspective be located within a governmental structure that has the capacity to undertake and follow through on it.

The Commission does not have a mandate to address the restructuring of municipal government, and thus it must look to existing structures to perform these functions.

Within the current municipal system, the upper-tier government — that is, the county or the region — is generally the place to plan for the broad issues. Counties and regions are physically large enough to plan for natural features and functions and to provide the perspective needed to address infrastructure questions and settlement patterns. They are able to address general questions of economic growth in larger areas, rather than just in specific locales.

Good planning requires skilled practitioners and an appropriate administrative support structure. The pooling of resources from individual municipalities helps counties and regions create a strong administrative framework. Combined with the broad planning approach, this pooling permits counties and regions to take over many approval functions now exercised by the province.

The matters that need to be addressed in broad plans are:

- the application of provincial policies to the regional context in a manner that resolves conflicts between those policies;
- the planning and coordination of regional infrastructure, including transportation, water, sewage treatment, waste, open space, and educational, health, and social facilities;
- the establishment of urban and rural settlement patterns, including location and overall staging;
- the general nature and distribution of population, employment, and housing, including the supply and affordability of housing across the region;
- regional economic and social issues, other regional responsibilities, and interregional and intermunicipal issues;
- the protection of natural features and systems;
- the protection of the quality and quantity of ground and surface water;
- the protection of quality agricultural areas;
- the protection of renewable and non-renewable natural resources;
- energy and water use and conservation opportunities;
- issues of special regional interest; and
- the establishment of a process to monitor change and the effectiveness of the plan.

Submissions to the Commission suggested additional matters to be addressed in the broad plan, but the Commission feels the list is sufficiently comprehensive to include the full range of matters; for instance, waste management would be considered part of "other regional responsibilities."

Currently, most counties have no authority over water and sewage infrastructure. If the upper tier is given responsibility for establishing settlement patterns and for lot creation, it makes sense to locate these infrastructure responsibilities at the upper-tier level. This is the arrangement in Oxford County, where the county owns infrastructure systems and the lower tier operates and manages them under contract. Legislation should be amended to enable counties, with the agreement of local municipalities, to deal with water and sewage. It is recognized that, in many cases, water and sewage will in practice continue to be handled by lower tiers. County planning should not be contingent on counties taking over these functions, although upper-tier planning would be more effective if such were to be the case.

Separated municipalities and cities in the North are outside an upper-tier structure, and thus they must plan for these broad issues as though they were upper-tier municipalities, as well as plan for the detailed matters. It will be very difficult for separated municipalities to address the broad issues on their own: they must do it in conjunction with neighbouring municipalities. One important question, discussed later in this chapter (in the section on separated municipalities), is how to ensure a reasonable planning relationship between separated municipalities and their surrounding areas.

Once the broad context is established in the upper-tier plan, matters of a more local nature must be addressed. Such matters include:

- the detailed pattern of land use, density, and mix of uses within the context of the broad plan;
- the distribution of open space and parks;
- recreation;
- natural features and systems;
- the character of the community, including heritage, streetscape, and physical design;
- the supply and affordability of housing in the municipality;
- zoning, site plans, and other tools to regulate development;
- energy and water use and conservation opportunities;
- contaminated and hazardous sites;
- issues of special local interest; and
- other local responsibilities.

The broad plan should be prepared by the upper tier; the local plan by the lower tier. However, as noted earlier, while this arrangement seems a simple enough concept, it becomes complicated in a real-world situation.

Some submissions argued that upper-tier planning means "top-down" planning, and that successful planning is done on a "bottom-up" basis. They proposed that upper-tier planning should really emerge from, and be dependent on, local municipal plans.

The Commission agrees that good planning occurs when there is participation by those affected by decisions; "bottom-up" planning makes sense. But when the issues involved extend beyond a single municipality, it is important to use a structure that covers a larger area and can take a larger perspective. A broad approach should involve the public as much as the more local approach does.

The broad perspective and the local perspective are both important. In some cases, the differences between the two are clear, as for instance with regional and local roads. In other cases, the differences are not as clear, as for instance with economic development. But to avoid duplication and minimize overlap, their differences must be kept in mind.

Some submissions argued that the actual distribution of planning responsibilities between upper and lower tiers should be left to the particular governments involved, to reflect local desires. The Commission strongly disagrees. There must be some minimum requirements to ensure broad issues are addressed by the government with the size and scope to deal with matters such as natural features, natural functions, and infrastructure.

The Commission is recommending that the upper tier not be permitted to delegate to local municipalities its responsibilities for preparing plans on broad issues. The manner in which these responsibilities are carried out will obviously vary from place to place, and cooperation will be a key to successful planning.

Some submissions urged that lower tiers be required to adopt a plan. However, it is important that a variety of arrangements be permitted. There are situations where municipalities with limited growth and resources will be adequately served by plans at the upper tier. In other situations, the lower and upper tiers may agree that planning can best be undertaken only at the upper-tier level. Thus, although it is important that local issues be addressed, it would be undesirable to require that all local tiers must plan. For instance, in the Regional Municipality of Sudbury and in Oxford County, all planning is done by the upper tier, an economically and administratively efficient arrangement that seems to serve the interests of both tiers. In the Region of Waterloo and Huron County, plans are done at both levels. The *Planning Act* should be flexible enough to accommodate these different arrangements — and others — to ensure that broad and local planning occur across the province. Where there are complicated issues, lower-tier planning will be very important.

To facilitate good planning, a clear and reasonable distribution of planning responsibilities must exist between the upper and lower tier.

The Commission is recommending that the best arrangement for the distribution of planning responsibilities is:

- Upper tiers develop a broad plan.
- Lower tiers develop local plans for the municipality or for one or more neighbourhoods, districts, or areas in the municipality.
- Lower-tier plans conform to upper-tier plans and be consistent with provincial policy.

As noted in Chapter 7, Lot Creation and Development Control, the Commission is proposing that upper tiers generally be responsible for lot creation, although delegation of consent-granting authority to lower tiers could occur in some limited situations; lower tiers would be responsible for the details of zoning, site-plan control, and minor variances, except where they decide to transfer these responsibilities to the upper tier.

The Commission recommends that:

32. The *Planning Act* be amended to require that regions, counties, separated municipalities, cities in the North, and planning boards prepare and adopt a municipal plan containing goals and policies which would:

(a) apply provincial policies to the regional context in a manner that resolves any conflicts among those policies;

(b) plan and coordinate regional infrastructure, including transportation, water, sewage treatment, waste, open space, and educational, health, and social facilities;

(c) establish urban and rural settlement patterns, including location and overall staging;

(d) address the general nature and distribution of population, employment, and housing, including the supply and affordability of housing across the region;

(e) address regional economic and social issues, other regional responsibilities, and interregional and intermunicipal issues;

(f) protect natural features and systems;

(g) protect the quality and quantity of ground and surface water;

(h) protect quality agricultural areas;

(i) protect renewable and non-renewable natural resources;

(j) address energy and water use and conservation opportunities;

(k) address issues of special regional interest;

(l) establish a process to monitor change and the effectiveness of the plan.

33. The *Planning Act* be amended to specify that upper tiers may not delegate responsibility for preparing plans on broad issues to lower tiers.

34. **Lower-tier municipalities continue to be permitted to develop local plans for the municipality or for one or more neighbourhoods, districts, or areas in the municipality.**

35. **The *Planning Act* be amended to enable lower-tier plans to address, within the context of the broad plan, the following matters:**
    - **(a) the detailed pattern of land use, density, and mix of uses;**
    - **(b) distribution of open space and parks;**
    - **(c) recreation;**
    - **(d) natural features and systems;**
    - **(e) character of the community, including heritage, streetscape, and physical design;**
    - **(f) the supply and affordability of housing in the municipality;**
    - **(g) zoning, site plans, and other tools to regulate development;**
    - **(h) energy and water use and conservation opportunities;**
    - **(i) contaminated and hazardous sites;**
    - **(j) issues of special local interest; and**
    - **(k) other local responsibilities.**

36. **The *Planning Act* be amended to require that lower-tier plans conform to upper-tier plans and be consistent with provincial policy.**

37. **The *Planning Act* be amended to require that where there is no lower-tier plan, the upper-tier, planning board, or planning authority plan address the matters listed in Recommendation 35 as well as Recommendation 32. Separated municipalities and cities in the North would be required to address the requirements in both recommendations.**

38. **The *Municipal Act* be amended to permit counties, with the agreement of local municipalities, to be responsible for water and sewage.**

Planning Authorities

The Commission received a number of submissions about the difficulty — some argued impossibility — of county planning in certain areas. Inequity of local representation on county councils, along with differences in interest because of the distribution of settlement patterns and development opportunities, makes county planning very difficult. For instance, a number of municipalities in the vicinity of Highway 401 in Eastern Ontario are eager to plan (indeed, they do so now), but would find it very difficult to be subject to a county planning process. Apart from county restructuring, which is not within the Commission's mandate, what can be done?

As an alternative to county planning, it is possible to consider a form of planning authority to do broad planning. Local municipalities should be permitted to join together to create a planning authority that would function as an upper tier with respect to planning matters. The authority would have power to create and adopt plans dealing with broad issues, as well as to exercise upper-tier planning powers. Since the idea of the planning authority is advanced for the purpose of ensuring that broad issues are addressed, the arrangement should not be allowed in areas where there already is a county plan or where one is being prepared.

The following criteria should apply to planning authorities:

- They should have a combined population of not less than 20,000, or include no fewer than six municipalities.
- No lower-tier municipality should be split between planning jurisdictions.
- The area covered by the planning authority should include the whole of an area served by public water and sewage services, including a separated municipality. It is recognized that because of powers already delegated to some separated municipalities, this requirement may present tough choices for municipalities, but it makes little sense to permit an innovative structure that does not create the area necessary to deal with broad planning issues.

The membership of a planning authority should consist of councillors appointed by local councils on a basis of representation by population. The establishment of a planning authority would require the approval of affected county councils and of the Minister of Municipal Affairs and Planning.

Administrative arrangements will have to be worked out to ensure municipalities that are part of a planning authority do not make planning decisions about, or be required to pay for, planning matters within the remainder of the county. The county would continue to be required to have a plan for the municipalities not in a planning authority.

It is recognized that the planning authority is a somewhat extraordinary proposal. It does, however, respond to planning needs where existing structures do not. The planning authority, once established, could be considered an upper tier for planning purposes.

The Commission recommends that:

39. The *Planning Act* be amended to permit local municipalities, with the consent of the affected counties and of the Minister of Municipal Affairs and Planning, to establish a planning authority to exercise planning powers similar to a county, provided:

(a) it covers a population of not less than 20,000, or includes no fewer than six municipalities;

(b) no municipality is split between planning jurisdictions;

(c) the area covered by the planning authority includes the whole of an area served by public water and sewage services, including a separated municipality if one is part of the serviced area;

(d) the affected counties do not have, and are not preparing, a county plan.

Membership on the authority will consist of councillors appointed by local councils on a basis of representation by population.

Separated Municipalities

There are no general legislated relationships between separated municipalities and surrounding areas. The challenge is to coordinate planning activities between them.

Problems are particularly acute in the urban fringe — that buffer zone around each city where developments have an impact on services such as water, sewage, and transit. One can point to examples where these cross-boundary issues are effectively resolved, often because of local political history and personalities. But too many examples can be cited of unhappy relationships marked by a lack of trust and cooperation.

The key is ongoing joint-planning, and the recommendation for planning authorities is one response to this issue. Proposals made later in this chapter describe more informal structures for joint-planning. Those separated municipalities not part of a planning authority should notify all adjacent municipalities and counties (and vice-versa) of all proposals and plans, including amendments to existing municipal plans, that have a cross-boundary impact. Joint advisory committees, established for general discussion of these matters, would prove helpful.

Strong Lower Tiers

In some parts of Ontario, lower-tier municipalities have well-developed planning programs to ensure complex local issues are addressed. These municipalities are generally well-funded and have been doing planning for a long time. Any new planning system should encourage these arrangements to continue.

Some submissions interpreted the two-tiered planning structure as one where the important decisions are taken by the upper tier, and little but fussing with detail is left to the lower tier. Other submissions viewed it as "top-down planning." Neither is the intention of the Commission's recommendations.

The decisions reached in the broad plan settle the broad planning issues like settlement patterns and infrastructure, but they do not determine the local planning issues. The upper-tier plan identifies constraints and context. The lower-tier plan sorts out how to make good use of opportunities to develop liveable communities in that context, and within those constraints. Several submissions suggested the upper-tier plan should be a "policy" plan, the lower a "community" plan. The "community" aspect of the description fits, but not the "policy" aspect. The Commission believes both plans will deal with policy.

Acknowledging the different planning arrangements across the province, the Commission is not recommending that lower tiers be required to adopt a municipal plan. But for obvious reasons, the local issues must be addressed, whether by the lower tier or the upper tier. In a municipality where development issues are complex, it will be most important that the lower tier have a strong planning program, and a carefully constructed, resilient plan.

The skill and talent available at these lower tiers should not be overlooked in addressing broad planning questions. Upper-tier planners should take every opportunity to involve lower-tier planners in planning processes around the broad issues. Arrangements should be worked out to share research and analysis. The whole planning process should be a cooperative venture, where plan formulation becomes a shared opportunity, even though it is a formal responsibility of the upper tier. This is particularly important in urban areas, where the concerns and decisions of one local municipality easily spill over to affect another. The exact arrangements followed will vary from area to area, even though in each case the broad plan remains an upper-tier responsibility.

In many cases, interest in planning and the development of a planning culture are first developed at the lower tier. The necessity of planning for broader issues often becomes clear when local issues are being dealt with; hence, the need to ensure strong planning around local issues.

Communication will play an important role in ensuring that upper and lower tiers coordinate their activities. Lower tiers should be required to circulate to upper tiers all plans and plan-amendment proposals and development applications when such proposals and applications are received and to give notice when final dispositions have been made. This requirement may vary by agreement between the levels. Upper tiers should be required to circulate to all lower tiers plans and plan-amendment proposals and applications for lot creation when first made, and to give notice when final dispositions are made. Further recommendations about notification are made in Chapter 8, Public Involvement.

The upper tier must resist the tendency to become embroiled in detail, just as the province must resist this tendency in its relationships with regional and county governments. The upper tier has legitimate interests that are best addressed at the plan stage, rather than at the development-application stage. Each tier must respect its legislated planning duties and mandated responsibilities.

Planning in the North

For the most part, cities in the North already have strong planning arrangements. These cities should be treated like separated municipalities in the South. The Regional Municipality of Sudbury is a regional government. The concerns in this section are with arrangements for planning outside these areas.

The most important need is for planning processes and structures to have a strong local base, creating the capability to make development decisions locally and the ability to address broad planning questions. Because local economies are often fragile, communities should first address strategic questions to help chart a course of action that encourages a strong local economy and a supportive community. Strategic planning will be particularly useful in this regard. Planning in the North must also address many of the same issues that other communities in Ontario must deal with, such as settlement patterns and the environment.

Unlike in Southern Ontario, many northern municipalities find themselves abutting unorganized areas, where there are no municipal decision-making structures and the province administers development control functions and building code and zoning regulations. But planning must take place wherever there is development activity or expected activity — whether or not the area is organized. At the same time, planning should take into account watersheds, so that natural features and functions may be protected. Inevitably, however, municipal boundaries rarely respect the location or scope of natural features and functions. New planning structures must be capable of assuming planning and development control responsibilities in unorganized areas.

A large part of the North is Crown land, which the Ministry of Natural Resources administers and manages.

Strengthening Existing Structures

Some municipalities and planning boards in the North respond well to the planning needs set out above. Some, because of financial limitations or small size, have problems. Unorganized areas outside of planning boards are without local planning.

Five criteria for a better planning system in the North are:

1. It should be able to address broad planning issues.
2. It should ensure local input and take into account local needs and conditions.
3. It should be adequately staffed and funded.
4. It should have the capacity to plan for unorganized areas and administer those plans.
5. It should have the capacity to approve lot creation.

Of course, the new planning system must also be open, timely, efficient, comprehensive, and fair.

The key to a better system is to build on existing local structures. Existing planning boards should be used as a base and enlarged where appropriate. The Commission is recommending that new planning boards be established or existing ones expanded, where necessary, to ensure a broad scope for addressing large issues. Planning board jurisdiction should include municipalities and adjacent unorganized areas to ensure coordination of decisions within and just outside municipal boundaries. Planning boards also permit the coordination and pooling of limited municipal resources.

One planning board should be established for each area where municipalities and unorganized areas share common interests and settlements are within the same "sphere of influence." Boundaries should be defined through a consensual local process and approved by the Minister of Municipal Affairs and Planning.

As well, planning areas should not be so large that board members and the public are required to travel excessively long distances to attend regular meetings.

The areas of board jurisdiction should, wherever possible, reflect a watershed or sub-watershed boundary to enable planning for the protection of natural features and functions. Consideration should also be given to boundaries for school boards, economic development committees, and other local organizations. As much as possible, planning board boundaries should be co-terminus. Aligning planning areas and other administrative boundaries would assist in the coordination of community services.

In some situations, because of the remoteness of a community, a planning area may be small in population and size. Although in these situations the community will not benefit from the sharing of talent and resources, there seems no other reasonable method of dealing with distance and remoteness, which are facts of life in the North.

Where Crown land is within or adjacent to a municipality or a planning board's area, the Ministry of Natural Resources must be required to inform the board of proposals for that land and engage in a public planning process. A planning board's jurisdiction should not extend to Crown land.

Planning Board Responsibilities

Planning boards should have three general functions and responsibilities:

1. preparing a plan addressing broad issues;
2. lot creation; and,
3. in unorganized areas, zoning, site-plan control, and building code administration.

The board may also develop strategic plans for the planning area. Plans created by planning boards must address matters similar to those in the broad plans of counties and regions. However, planning boards are not county or regional governments and do not have jurisdiction over infrastructure, social programs, and facilities. The board should be planning for these matters, but it will have to work with municipalities and provincial ministries and agencies.

To ensure comprehensiveness, the board's plan should:

- apply provincial policies to the planning area and resolve any conflicts among those policies;
- address infrastructure issues for the area, including transportation, water, sewage treatment, waste, open space, and educational, health, and social facilities;
- establish urban and rural settlement patterns, including location;
- address the general nature and distribution of employment and housing, including the supply and affordability of housing across the region;
- address area economic and social issues, and interregional and interjurisdictional issues;
- protect natural features and systems;
- protect the quality and quantity of ground and surface water;
- protect agricultural areas;
- protect renewable and non-renewable natural resources;
- address energy and water use and conservation opportunities;
- address issues of special regional interest; and
- establish a process to monitor change and the effectiveness of the plan.

Within the context of the broad plan, further details will be required on matters such as:

- the detailed pattern of land use, density, and mix of uses;
- the distribution of open space and parks;
- recreation;
- natural features and systems;
- the character of the community, including heritage, streetscape, and physical design;
- the supply and affordability of housing in the area;
- energy and water use and conservation opportunities;
- zoning, site plans, and other tools to regulate development;
- contaminated and hazardous sites;
- issues of special local interest; and
- other local responsibilities.

These details should also be addressed in the board's plan, unless individual municipalities agree to prepare municipal, area, or neighbourhood plans for this purpose. The board may prepare and approve an area or neighbourhood plan for an unorganized area. All detailed plans must conform to the board plan, and be approved by the board. Municipalities should continue to administer zoning and development approval, except where they decide to transfer these functions to the planning board.

Representatives from municipalities should be appointed to planning boards by councils. Since planning boards are not just advisory, but make decisions, these appointees must be elected councillors. Unorganized areas

present a larger, but not impossible, challenge. Elections for school board members are held in unorganized areas, so there is no reason why elections for planning board positions could not be held as well. Anyone who could qualify as a candidate for a municipal council should be eligible to stand for election to the board. Until legislation is passed to permit elections, representatives should continue to be appointed by the Minister of Municipal Affairs. The Minister should fill vacancies within three months of receiving recommendations from planning boards.

Generally, representation should be proportional to the number of electors. Each municipality, regardless of population, should have at least one representative. The unorganized portion of the planning area should be similarly represented.

The chair of the board should be elected by the board from among board members. Board membership should generally not exceed 15 people.

Adequate staffing and resources lie at the heart of comprehensive, consultative planning. Although few municipalities will be able to afford one full-time planner, the pooling of resources from several municipalities and unorganized areas, as suggested here, may present the best alternative. Several boards may find it advantageous to share the expertise of a planner. The province is expected to play a strong role advising boards.

There are four possible sources of funding for planning: municipalities, the province, application fees, and unorganized areas. Boards should obtain funds from municipalities out of the general levy. In unorganized areas, boards should be permitted to levy and collect funds in the same manner as boards of education or, with the consent of the province, levy an annual household fee. Planning boards should be able to set permit and application fees. Funding shares from municipalities and unorganized areas should be pro-rated by assessment or population. As discussed in Chapter 4, The Provincial Role, the province should continue to provide planning grants to planning boards.

The board should set its own annual budget. Local representation on the board should generally ensure that the budget is acceptable to local authorities.

Two concerns have been raised by residents of unorganized areas: the relationship of the planning board to local services or roads boards; and the prospect of unorganized areas being brought into a formal planning structure that is likely to be dominated by municipal interests.

Regarding the first, local services and roads boards should continue to operate independently from planning boards, dealing with their own limited areas of responsibilities. However, any service expansion should be in conformity with applicable planning board plans.

The second concern is focused on a fear that nearby municipalities will have a significant say in the planning of unorganized areas, possibly at a cost to residents there, and that municipal interest could lead to annexation. Although local municipal interests will clearly play more of a role in planning unorganized areas, having decisions made locally is more appropriate than the province administering these areas without local plans. Under the planning board model, areas will be allowed a reasonable degree of input into local decisions; and, as a counterweight to possible annexation proposals, the election process is a good vehicle for the expression of unorganized-area interests. Further, the suggested funding arrangement will not cause an undue load to fall on residents of unorganized areas.

The relationship between Aboriginal communities and municipalities is addressed in Chapter 5, Planning and Aboriginal Communities. Briefly, the Commission suggests introducing more appropriate procedures for notification to Aboriginal communities by planning boards and municipalities; and authorizing planning boards and municipalities to enter into agreements with Aboriginal communities.

Next Steps

Establishing the geographic jurisdiction of planning boards is important if the boards are to function with the support of local communities. The Commission has suggested several criteria for determining areas, including: spheres of influence; travel time; local choice; watersheds; and other administrative boundaries.

Multi-stakeholder committees — at least one for the Northeast and one for the Northwest — should be appointed by the Minister, following consultation with municipal and other organizations from the North, to make recommendations on planning board areas. These committees should be appointed as quickly as possible after this Final Report is submitted. The committees should be asked to make their recommendations within six months.

The Commission recommends that:

40. To provide for more local decision-making on planning matters in the North:

(a) In Northern Ontario, except for cities and the Regional Municipality of Sudbury, planning areas be established to include municipalities and unorganized areas that share common interests and are within the same sphere of influence. Planning-area boundaries should generally be based on natural boundaries such as watersheds, and should reflect relevant administrative boundaries such as school boards and economic development areas.

(b) The *Planning Act* be amended to provide that members of planning boards are appointed by municipal councils from among their members, and elected from unorganized areas. Representation should generally be proportional to electoral population. Funding shares from municipalities and unorganized areas should be pro-rated by assessment or, with the approval of the province, by an annual fee or levy.

(c) The *Planning Act* be amended to require that planning boards are required to prepare plans and that the planning duties and responsibilities of planning boards are similar to those of upper tiers.

(d) The *Planning Act* be amended to provide that the approved planning board plan applies to all municipalities and unorganized areas within the planning area, and that for unorganized areas, planning boards be given responsibility for zoning, site-plan control, and building code administration.

(e) The Minister of Municipal Affairs and Planning establish committees from Northern Ontario to make recommendations on the location and boundaries of planning areas, and to report within six months.

(f) Where Crown land is within or adjacent to a municipality or a planning board's area, the Ministry of Natural Resources be required to inform the board of proposals for that land and engage in a public planning process.

(g) Local services boards and roads boards continue to administer services and roads in unorganized areas.

Plan Approvals

The Commission came to the conclusion that the most effective, straightforward, and least adversarial manner of ensuring consistency with provincial policy is to require provincial approval of the plans and plan amendments of upper tiers, separated municipalities, cities in the North, planning boards, and planning authorities. For similar reasons, the Commission concluded that after the province has adopted a comprehensive set of policy statements, upper tiers with plans should have the authority to approve lower-tier plans and plan amendments. This approval authority would include the authority to modify plans and plan amendments.

The Commission recommends that:

41. Once the province has adopted a comprehensive set of policy statements, the Minister of Municipal Affairs and Planning delegate to regions and counties with plans the authority to approve lower-tier plans and plan amendments. The delegated approval authority would include the authority to modify the plan or plan amendment.

Upper Tiers Without Plans

Neither the Region of York nor the Region of Peel has plans at the regional level, although both are now undertaking major planning exercises to prepare them. It is understood that both regions intend to adopt plans in 1994. Given the amount of growth occurring in these areas, these regions should be required to adopt plans on schedule. Until that occurs, the province should continue to approve lower-tier plans and plan amendments. If plans are not in place by the end of 1994, the province should impose appropriate sanctions which relate directly to powers that are difficult to exercise without a plan. Sanctions could include limits on capital borrowing, ineligibility for certain conditional grants, and removal of authority for upper-tier lot levies and delegated approvals.

It is important that counties and planning boards take on planning responsibilities to deal with development decisions within their jurisdictions. If counties and planning boards without municipal plans do not develop and adopt plans within five years of adoption of the new provincial policies, the province should have the authority to charge for the administration of plan and development approvals. As well, the province should consider imposing the sanctions described above. Until county and planning board plans are adopted, the province should continue to approve lower-tier municipal plans, plan amendments, plans of subdivision, and plans of condominium, and no further approvals should be delegated to counties and planning boards without those plans.

The Commission recommends that:

42. Upper-tier municipalities currently without plans be required to prepare and adopt plans, and that:

(a) If plans have not been adopted by the councils of the Regions of York and Peel by the end of 1994, the province impose sanctions such as limits on capital borrowing, ineligibility for certain conditional grants, and removal of authority for upper-tier lot levies and delegated approvals.

(b) If plans are not adopted by counties and planning board areas within five years of the adoption of the new provincial policies, the province consider imposing sanctions as described in Recommendation 42(a).

(c) Until county and planning board plans are approved, the province maintain approval authority for municipal plans, plan amendments, plans of subdivision, and plans of condominium, and that no further delegation occur.

Plan-making

Planning policies are set out in plans, and plans establish the context for change. To formulate a reasonable plan for the foreseeable future, good planning must consider a number of interrelated factors. It should foster an understanding of the existing situation, outline a general vision of where the municipality should be headed, analyse factors important to the municipality in reaching that vision, and then choose among options to reach a final plan. Good planning should ensure that interrelated factors are reasonably understood so projections for the future are realistic.

The processes employed for planning are exceptionally important for its success. Since planning is about community building, resource use, and protection of the natural environment for the long term, those affected and interested should be included in the discussion and decision-making processes.

This section discusses municipal plans and sets some parameters for how best to prepare plans that help municipalities shape their future.

Strategic Planning

To set the stage for comprehensive, helpful planning, all municipalities should be encouraged to look at larger issues that affect them and to chart a path to follow in the foreseeable future. Strategic planning can provide vision and guidance for many objectives, including the formulation of municipal, sectoral, and corporate plans. It can encourage public and private partnerships, provide a strong sense of municipal identity, and give local residents some idea of where the municipality is headed.

Both upper-tier and lower-tier municipalities should be encouraged to develop a strategic plan and review it at appropriate times.

A strategic plan differs from a municipal plan. It sets priorities for initiatives the municipality wishes to take and focuses on ways in which the municipality might influence other players. It provides coherence for municipal policies and actions. It should be a pro-active document that grapples with big questions and helps to harness energy to seek their answers.

A strategic plan should meet three objectives:

1. *It should address economic, environmental, social, and other issues important to the community*. These issues will differ from place to place, and the plan should attempt to focus on regional and local issues in a realistic way. Addressing these issues may involve attention to matters that will be considered in greater detail in the municipal plan; for example, transportation, housing, or infrastructure.
2. *It should involve the public*. The strategic plan exercise should be seen as an opportunity for council and municipal staff to work with the community, including business and community leaders, as well as with public agencies such as boards of education. Common goals and objectives should be identified so a course of action can be agreed upon and resources used cooperatively.
3. *The plan should be brief and easy to understand*. A strategic plan should be intelligible to those it is meant to serve — residents, business people, and other interests in the community. It should be in plain, non-technical language and produced in a form that can be inexpensively and widely circulated.

Strategic plans should be authorized, legitimized, and encouraged. Since a strategic plan is broader than a municipal plan in that a strategic plan can involve actions and undertakings by a wide variety of interests, it should be a separate document, not part of the municipal plan. It should be adopted by council resolution, but not be legally enforceable. It should not be subject to appeal to the Ontario Municipal Board. Where the municipality wishes to give legal authority to goals, policies, and options articulated in the strategic plan, those items should be incorporated into the municipal plan.

The Commission recommends that:

43. The *Planning Act* be amended to permit municipalities and planning boards and authorities to prepare and adopt strategic plans that address, in a pro-active way, economic, environmental, social, and other issues important to a community. A strategic plan should not be legally enforceable.

Municipal Plans

The *Planning Act* enables municipalities and planning boards to prepare and adopt official plans. The word "official" denotes the distinction between an operative plan, which has been approved, and one that is still draft and unapproved. It would, however, be much more appropriate to use a name that indicates where the plan comes from, and who owns it; i.e., the municipality. Hence, the Commission suggests use of the generic term "municipal plan," which refers to a plan prepared and adopted by an upper- or lower-tier municipality, a separated municipality, a city in the North, a planning board, or a planning authority. The plan's specific name should indicate its precise origin, identifying itself as a regional plan, a county plan, a city plan, a planning board plan, and so forth.

Municipal plans should have clearly defined legal status. They play an essential role in implementing provincial policy, addressing broad and local issues, and defining development options and conditions.

A "municipal plan" should be defined as "an approved document containing goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality or a part thereof, or an area that is without municipal organization."

A wide assortment of official plan documents and land-use planning policies are now in effect around Ontario. They vary by age, content, and usage. To help municipalities plan effectively and monitor the results of their plans with reasonable consistency, clarification is needed concerning underlying principles, content, and the processes of preparing plans and land-use policy documents.

Principles and Content

The municipal plan must address matters covered by provincial policy and other matters clearly identified in legislation. The matters covered must be comprehensive to ensure interrelationships are fully understood, although obviously some factors will be more significant to some municipalities than to others. To provide certainty and direction, the matters that must be addressed and the process that should be used should be set out in the *Planning Act*. The following summarizes the provisions to be included:

1. Municipal plans must be consistent with provincial policy under the *Planning Act*.
2. Municipal plans must contain goals and policies on, but not limited to, the respective matters set out for upper and lower tiers in Recommendations 32 and 35.
3. Municipal plans must include maps or descriptions of matters noted in provincial policies under the *Planning Act*.

4. Municipal plans must be based on studies of existing conditions and future projections. Plans must be oriented to both the change expected and the future desired, in the medium term and the long term, and they must contain goals for the future.
5. The municipal planning process must include a review of alternatives regarding such matters as growth, settlement patterns, and infrastructure, and of the net effects of those alternatives on the natural, social, cultural, and economic environment.
6. The geographic basis on which an issue is analysed must be appropriate, even when that basis extends beyond the jurisdiction of the municipality. For example, the implications of land-use and settlement decisions on water quality and quantity should be assessed on a watershed or sub-watershed basis; and for those regarding natural features, on an appropriate ecosystem basis. What is "appropriate" is a matter that should be addressed as part of any study.
7. Where it is apparent to a municipality that issues reasonably involve more than one jurisdiction, policies must be developed jointly.
8. The steps followed in preparing and adopting municipal plans or policies, including the alternatives considered, must be documented.
9. In preparing plans, there must be full public consultation, and all plans, policies, and documentation must be available to the public.

Many of these above principles are discussed in more detail elsewhere in this Report, where appropriate recommendations are made.

The Commission recommends that:

44. The *Planning Act* be amended to define "municipal plan" as "an approved document containing goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality or a part thereof, or an area that is without municipal organization."

45. The *Planning Act* be amended to require that municipal plans include maps or descriptions of matters noted in provincial policies.

The Process of Planning

Comprehensive Planning Process

Land-use planning has a major impact on the natural environment. Many submissions pointed out that the natural environment has not been protected in the planning process, and protection of the environment has often been treated as an "add-on." These concerns led some to turn to the *Environmental Assessment Act* for a process that assesses impacts on the natural environment as well as on the social and economic environment.

The planning process under the *Planning Act* needs to be strengthened and clarified so questions of impact on the natural environment are dealt with in a proactive fashion as a matter of course.

To ensure that municipal plans and major plan amendments are fairly assessed for their impact on the social, economic, and natural environment, certain steps should be followed.

First, prior to the preparation of any plan or a general, area, neighbourhood, or other major plan amendment, a report should be prepared for public review and considered by council. Such a report should contain:

- a general description of the purpose of the proposed plan review;
- the general scope of the proposed plan review, including studies to be undertaken;
- proposals for public consultation and participation by interested agencies; and
- the proposed timetable for plan preparation and consideration.

Second, the preparation of any plan or a general, area, neighbourhood, or other major plan amendment must include the following steps:

1. Identify problems, priorities, needs, opportunities, and objectives.
2. Identify the criteria by which to evaluate different options and alternatives.
3. Identify reasonable options (including the "do nothing" option) consistent with provincial policy, and describe their effects on the social, economic, and natural environment and their effectiveness in meeting objectives.
4. Prepare alternative-plan concepts on selected options and compare and assess them using the criteria in Step 2 to determine which concepts best meet objectives in Step 1.
5. Select and refine a preferred plan.
6. Establish monitoring systems and contingency approaches.

This process need not be followed for minor plan amendments, which are discussed later in this chapter.

All steps in the process should be documented and reports made available to interested parties. Public involvement should be required throughout the process.

It is recognized that councils never have quite enough information; it is almost impossible to know enough details about all options, and there is never enough time or money to satisfy everyone. Despite such limits, the proposed planning process offers a fair and reasonable means for looking at needs, alternatives, and environmental impacts.

Several submissions expressed concerns that the proposed planning process could require the creation of excessive alternatives to meet these steps, involving great cost and significant delay. It is clearly important that alternatives considered be reasonable and consistent with provincial policy. Further, this proposed process — which several municipalities indicated is similar to their own — should be required only for municipal plans and for general, area, neighbourhood, or other major plan amendments.

In the hierarchy of plans and policies, lower-tier plans nest in and conform to upper-tier plans, which must be consistent with provincial policies. At each level, the range of alternatives that should be considered can be determined by referring to plans and policies at the next level up. Because conclusions reached in plans at a higher level govern analysis at a lower level, alternatives that were rejected at the upper level do not have to be considered at the lower level. Thus, provincial plans and policies provide both a framework for upper-tier plans and the criteria that the upper tier uses to evaluate alternatives. Upper-tier plans in turn provide a framework for lower-tier plans.

Reasonable alternatives and options, including mitigation measures, should be addressed at an appropriate level of detail. This means consideration should be given to how goals can be achieved in different ways. The best way to proceed must be determined on that basis.

Objections to and disputes about the process and its outcome should be considered first by the body making the plan. After final decisions have been made, appeals on any of these matters may be made to the Ontario Municipal Board. The Commission is recommending this process be included in legislation. The legislation should also state that plans which have gone through this process should not then be subject to the provisions of the *Environmental Assessment Act*.

The Commission recommends that:

46. The *Planning Act* be amended to require that, prior to the preparation of any plan or a general, area, neighbourhood, or other major plan amendment, a report be prepared for public review and considered by council, containing:

- **(a) a general description of the purpose of the proposed plan review;**
- **(b) the general scope of the proposed plan review, including studies to be undertaken;**
- **(c) proposals for public consultation and participation by interested agencies; and**
- **(d) the proposed timetable for plan preparation and consideration.**

47. **The *Planning Act* be amended to require that the preparation of any plan or a general, area, neighbourhood, or other major plan amendment include the following steps:**
    - **(a) Identify problems, priorities, needs, opportunities, and objectives.**
    - **(b) Identify the criteria by which to evaluate options and alternatives.**
    - **(c) Identify reasonable options (including the "do nothing" option) consistent with provincial policy, and describe their effects on the social, economic, and natural environment and their effectiveness in meeting objectives.**
    - **(d) Prepare alternative-plan concepts on selected options and compare and assess them using the criteria in Step (b) to determine which concepts best meet objectives in Step (a).**
    - **(e) Select and refine a preferred plan.**
    - **(f) Establish monitoring systems and contingency approaches.**

48. **Legislation be amended to provide that plans and plan amendments which are approved under the comprehensive planning process described in recommendations 46 and 47 not be subject to the provisions of the *Environmental Assessment Act*.**

Plan Amendments

One of the most significant problems with current official plans is that they are constantly being amended. They provide little certainty, and the fact they change regularly means they cannot function as guides to the future. Too often, the official plan is merely a complicated device for controlling site-specific development and adds considerable time to the development-review process. Many members of the public are reluctant to invest time and energy in official plan processes when they know the plan has little permanence.

Municipal plans should function in the same way as municipal budgets. A budget outlines how spending will occur in the coming year (or years, in the case of capital budgets). Budgets set priorities for municipalities and for the public, and, recognizing the unforeseen, they contain a small contingency account. Further, they are reviewed periodically to determine if they continue to meet needs. Municipal plans should fulfil the same kind of role, over a longer timeframe, providing direction to private and municipal development decisions.

The key lies in making reasonable provision for growth and change. A plan must contemplate the future, and be able to accommodate desired change without undergoing constant plan amendments.

Some plan amendments are matters of detailed interpretation of existing plans, and others are minor amendments that confirm the general direction of the plan. Some amendments are major, and their proposals challenge basic assumptions of the plan; examples include a change in urban boundaries, the introduction of major new infrastructure such as a rapid transit line or a new trunk sewer, or a substantial change in use or density in an area seen as stable. To ensure reasonable certainty during the life of a plan, municipalities may choose to consider a major plan amendment application that challenges the basic assumptions of the plan only as part of a general plan review. In these cases it would not be reasonable for a municipality's planning program to be held hostage to a land owner who uses the application process to override legitimate political decisions. Municipalities should be reasonably expected to uphold the principles of their municipal plan.

Municipalities should be permitted to indicate that such an application is premature, and that it will not be considered until the next general plan review. Legislation should also permit municipalities to reject such an application without substantial study on the grounds that such applications challenge the basic assumptions underlying the plan.

The important distinction between the two kinds of amendments lies in the range of the matters to be considered and the breadth of the studies required. Major amendments require a much more extensive process, as noted above, including the identification of needs and alternatives.

In the Draft Report, the Commission proposed more complicated arrangements to ensure the municipal plan achieved greater certainty over time and was not constantly subject to substantial changes. Those proposals received some support for intention, but much criticism in respect to detail. The proposals set out above provide more clarity about the matter, and respond to the criticisms without creating a straitjacket that prevents change and innovation.

It is recognized that studies to support either minor or major plan amendments are often undertaken by the applicant, and that the municipality often relies on such initiatives. The important task in these cases is ensuring that all the relevant issues are addressed in a competent and comprehensive manner. Where many of the background planning studies have been prepared by the applicant, the municipality remains obliged, if it wishes to proceed, to determine the issues to be addressed, and to ensure they are dealt with in a reasonable fashion and that appropriate consultation occurs.

Many submissions expressed concern about the amount of time that planning takes at the municipal level. General planning studies can take a year or two, or more. Indeed, many municipalities find a general plan review extends over the life of more than one council. It is unrealistic to attempt to set a provincewide parameter for such studies, but some timeframes are necessary. The Commission is recommending that at the outset of a plan review or major amendment process, the municipality report on the expected timeframe for the review. This report and its recommended timeframe should be subject to public discussion.

The processing of minor plan amendments require more certainty. Section 22(1) of the *Planning Act* permits a request for referral to the OMB if a municipality has not considered an application within 30 days. There are a number of problems with this 30-day time limit. One is the question of when an application is "complete": 30 days can be spent in simply resolving this issue. Another is that applications often lead to negotiations between the applicant and staff, not allowing any reasonable decision to be made within the timeframe. A third is that public notification and consultation cannot take place within a month, since the current Act requires 30 days notice. Fourth, given municipal meeting schedules, workloads, and other priorities, it is almost impossible to get an application before council in that short a period.

The Commission is recommending that the Act be amended to provide a right to appeal to the Ontario Municipal Board if a municipality has not made a final decision on a plan amendment application within six months of the filing of a complete application. To deal with situations where municipalities decide to ignore applications, the Commission further recommends that, where a municipality is not taking effective action to respond to an application, with the exception of an application for major plan amendment, an applicant may appeal to the Board 90 days after filing a complete application. In such cases, the Board will circulate the matter to the Ministry of Municipal Affairs and Planning, and permit the Ministry to be a party to any proceedings. As noted in Chapter 9, Conflicts, Disputes, and Appeals, the Board will be able to deal with the matter in a number of ways, including referring it back to the municipality subject to specified conditions.

The Commission recommends that:

49. The *Planning Act* be amended to provide that:

(a) Municipalities may reject, without substantial study, any application for a major plan amendment, that is, an amendment which challenges basic assumptions in the municipal plan. Alternatively, municipalities may defer consideration of any application for a major plan amendment until a general plan review.

(b) Where a municipality has not made a final decision on a plan amendment application within six months of filing a complete application, an applicant may appeal to the Ontario Municipal Board.

(c) Where a municipality is not taking effective action to respond to an application, with the exception of an application for major plan amendment, an applicant may appeal to the Ontario Municipal Board 90 days after filing a complete application.

Planning on a Watershed Basis

In keeping with proposed provincial policies, municipalities should consider the natural environment when planning for change. The Commission has made proposals for policy about the protection of natural features and functions. One very important natural resource readily measured in both quality and quantity is water, and paying close attention to water quality and quantity is important in ensuring the natural environment is adequately protected.

Water not only is a natural feature, but is also a key link in the natural system. It must be studied as a system. It makes little sense to look at one small section of a river without also looking at what is upstream and what is downstream; hence, the idea of doing studies on a "watershed" basis, or carrying out watershed studies.

With regard to development and change affecting water, the *Planning Act* should require that, in preparing plans, municipalities must develop policies based on watershed considerations.

The core concern of watershed studies is water and the interrelationship of water with other features: water and land, water and habitat, water and vegetation, and so forth. For some, these myriad concerns are summed up as "the ecosystem," so that planning on a watershed basis is very similar to ecosystem planning. But surface-water and groundwater quality and quantity are at the heart of watershed studies.

Watershed studies help municipalities by providing information on constraints, opportunities, and approaches for land-use development and change. As several developers noted, watershed studies help resolve some of the problems that emerge in the development process. Watershed studies should address the following matters:

- quality and quantity of surface water and groundwater for developed areas of the municipality and other areas likely to undergo change;
- flooding and natural hazards;
- shorelines, marinas, and lakefill;
- tree cover;
- erosion control;
- drainage plans and storm water;
- wetlands, recharge areas, and natural features;
- remediation of water systems and natural features;
- aquatic resources, including fisheries.

In some cases, municipalities or conservation authorities may include other matters, such as wildlife and forestry.

The differences between watershed and sub-watershed studies are equivalent to the differences between studies for broad and local plans. Generally, watershed studies cover a larger area and are less detailed than sub-watershed studies. The former often helps determine where growth might be directed; the latter often helps determine how development is accommodated. But the distinction is not always obvious.

There is not enough money available to undertake comprehensive watershed or sub-watershed studies across the province. Where little development activity or pressure exists, the effects of a limited amount of development on water can be assessed on a general basis with the information available. Mitigation can be dealt with on a site-specific basis using an environmental impact study.

But where a considerable amount of development activity or a large-scale development is proposed, the impacts — and cumulative impacts — must be assessed, and a watershed or sub-watershed study will be necessary. The two conditions that should require watershed or sub-watershed studies are: changes in or concerns about levels of water quality and quantity; and/or pressures for development and change. With the advice of conservation authorities (where they exist), upper tiers should identify which studies need to be undertaken first. Where there is no upper-tier plan, these decisions will be made by the affected lower tiers.

It is anticipated that, in many situations, municipalities will turn to conservation authorities to provide advice on priorities and to prepare watershed studies and recommendations. Conservation authorities already have a strong track record for studying and attempting to protect the health of watersheds. This experience and expertise should be used in preparing watershed studies and recommendations, in helping mesh the local concerns of municipalities with broader concerns for the natural environment, and for studying the long-term implications of changes.

Municipalities are the bodies that make decisions about plans. Conservation authorities should be given a clear mandate and authority to prepare watershed studies and provide inventory, analysis, and recommendations on watershed and sub-watershed policies. Where no conservation authority is in place, watershed studies will have to be undertaken by municipalities, with the help of the Ministry of Natural Resources. Where very large rivers and water bodies are involved, the province will be expected to play an important role in these studies.

Although the Association of Conservation Authorities of Ontario and some other groups argued that municipalities should be required to adopt plans prepared by conservation authorities, a number of authorities disagreed. One noted that "a conservation authority's role is to undertake studies and provide recommendations. It is not this authority's ambition to acquire a planning approval role. We view our role as that of coordinators and advisors on watershed management issues." The Commission is recommending that municipalities, rather than conservation authorities, make decisions on plans and policies relating to development.

These proposals provide an enhanced role for conservation authorities. It is recognized that financial and representational links between conservation authorities and county councils should be improved in order to establish strong links between watershed studies and upper-tier plans. The Ministry of Natural Resources, the Association of Conservation Authorities of Ontario, and the Association of Municipalities of Ontario should review the relationship between conservation authorities and county councils.

The cost of *not* basing policies on watershed studies is enormous if assessed in terms of undesirable outcomes and the cost of remediation — closed beaches, a decline in biota including fish, and new and replacement sewage and water services. The funding of the studies will also be a concern, yet one need not wait for large sums to be allocated. Rather, studies should be done within the funding available. Some innovative approaches will be required; for example, making good use of well-informed local environmental and naturalist groups, and deciding to focus first on the sub-watershed areas facing the greatest pressure for change. Some conservation authorities have found private funding to help pay for studies.

In Southwestern Ontario, some conservation authorities have been given the authority to issue water-taking permits under the *Ontario Water Resources Act*. The Ministry of the Environment and Energy may wish to consider extending this authority to other conservation authorities or to upper-tier municipalities, as appropriate. This arrangement may provide greater clarity for sorting out responsibilities for water quantity and management. There may be a need to clarify the mandates of conservation authorities to deal with ecosystem-protection matters within the existing fill, construction, and alteration-to-waterway regulations.

Finally, under the *Conservation Authorities Act*, the appeal of a number of regulatory decisions of a conservation authority is to the Mining and Lands Commissioner. Several submissions suggested that section 28(5) of the *Conservation Authorities Act* be amended to provide, instead, an appeal to the Ontario Municipal Board, so that consistency with provincial and municipal policies could be considered. Although this suggestion seems reasonable, there appears to be no compelling reason for the change to be made at this time.

The Commission recommends that:

50. To incorporate watershed considerations into the planning process, the *Planning Act* be amended to require that:

(a) In preparing plans with regard to development and change affecting water, municipalities prepare and adopt policies based on watershed considerations; and

(b) Watershed or sub-watershed studies be undertaken in cases where there are changes in or concerns about levels of water quality or quantity and/or where there are pressures for development and change.

(c) With the advice of conservation authorities, the upper tier identify which studies need to be undertaken first. Where there is no upper-tier or it is not planning, these decisions will be made by the affected lower tiers.

(d) Conservation authorities carry out such studies and provide inventory, analysis, and recommendations to municipalities. Where no conservation authority is in place, watershed studies will be undertaken by municipalities, with the help of the Ministry of Natural Resources.

(e) Watershed studies focus on surface-water and groundwater quality and quantity. They should generally address the following matters:

(i) quality and quantity of surface water and groundwater for developed areas of the municipality and other areas likely to undergo change;

(ii) flooding and natural hazards;

(iii) shorelines, marinas, and lakefill;

(iv) tree cover;

(v) erosion control;

(vi) drainage plans and storm water;

(vii) wetlands, recharge areas, and natural features;

(viii) remediation of water systems and natural features;

(ix) aquatic resources, including fisheries.

51. The Ministry of Natural Resources, the Association of Conservation Authorities of Ontario, and the Association of Municipalities of Ontario review the relationships between conservation authorities and county councils.

Environmental Impact Studies

There has been a growing recognition of the need to assess, before decisions are made, the impact on the natural environment of both plans and development projects. The Commission is recommending a planning process to ensure that in decisions about municipal plans and major plan amendments, impacts on the natural environment are assessed at the same time as impacts on the social and economic environment.

Recommended provincial policies prohibit development in certain significant natural features. Recommended policies also provide that development may be permitted on lands adjacent to these features (and in other areas) only if no adverse effects result on the features and functions of these areas. The Commission is recommending that these areas be identified in the municipal plan, and that when a development application is submitted, an environmental impact study (EIS) be prepared to assess that application.

The objectives of an EIS are: to prevent or minimize adverse impacts of a proposed development on the natural environment; to ascertain the potential impact on the natural environment of a proposed development; and to ensure that mitigating measures are undertaken where development occurs.

Although not limited to the following, the EIS must include:

(a) a description of the existing natural environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
(b) the environmental effects that might reasonably be expected to occur;
(c) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
(d) a monitoring plan to measure the potential effects on the environment.

An EIS will be required for proposals in the following areas:

- lands adjacent to a significant ravine, river, stream, or natural corridor, or to the habitat of endangered, threatened, and vulnerable species, or to provincially significant wetlands in the Great Lakes – St. Lawrence Region;
- lands adjacent to significant woodlots south of the northern boundary of the District Municipality of Muskoka, and the counties of Haliburton, Hastings, Lennox and Addington, Frontenac, and Lanark.
- in the Boreal Region, provincially significant wetlands and adjacent land;
- those parts of areas of natural and scientific interest, recharge areas, significant wildlife habitat, and shorelines where development is not prohibited;
- land adjacent to lakes, rivers, and streams; and
- where development is proposed that may affect fish habitat.

Municipalities may also set out in their municipal plans other circumstances in which environmental impact studies are required. A number of municipalities have established policies in their plans that set out such circumstances, along with other situations where EISs may be required after screening for potential adverse effects on the environment. The City of Ottawa recently adopted such policies for a municipal environmental evaluation process.

The EIS should form part of the background information to be submitted as part of an application for development and should be evaluated by the municipality and commenting agencies as part of the regular approval process for applications. Municipal councils may not make final decisions on development applications until any required EIS is available.

Where change is proposed which involves infrastructure subject to an environmental study report and where an environmental impact study is required, the two should be coordinated to ensure no duplication, and a single study meeting both requirements should be undertaken. A recommendation to this effect is made in Chapter 7, Lot Creation and Development Control.

The Commission recommends that:

52. To establish requirements for environmental impact studies, the *Planning Act* be amended:

(a) To provide that applicants for development involving subdivisions and consents, development permits, and rezoning be required to prepare an environmental impact study (EIS) where required by provincial policies.
(b) To authorize municipalities to establish additional circumstances in which an EIS may be required.
(c) To provide that the content of an EIS include, without being limited to:
  (i) a description of the existing natural environment that will be affected or might reasonably be expected to be affected, directly or indirectly;
  (ii) the environmental effects that might reasonably be expected to occur;
  (iii) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
  (iv) a monitoring plan to measure the potential effects on the natural environment.
(d) To provide that a municipal council may not make final decisions on development applications until any required EIS is available.

Joint-Planning

Municipalities often share common concerns, such as water bodies, other natural features, and infrastructure, and in many cases the decisions of one municipality directly affect another. In these situations, municipalities should be encouraged to undertake joint-planning. This may occur through formal mechanisms such as upper-tier governments and planning boards and authorities, or through provincial area plans and conservation authorities. But further mechanisms will also be needed.

Section 8(2) of the *Planning Act* now permits municipalities to establish a joint-planning advisory committee and enter into agreements on all aspects of the joint endeavour, including cost-sharing, committee structures, and timetables. This provision has been rarely used.

It is hoped municipalities will agree among themselves about how to do joint-planning. Where municipalities are unable to agree, the *Planning Act* should allow any municipality believing joint-planning should occur to apply to the Ontario Municipal Board for mediation. If the mediation fails, the Board should be authorized to order a joint-planning structure and a cost-sharing arrangement.

The Ministry of Municipal Affairs and Planning could also play a role in bringing municipalities together for joint-planning.

The Ministry of Natural Resources has recently established several Lake Management units, which relate to large shorelines. It may be helpful if that Ministry were to bring together municipalities touching on larger watersheds in order to coordinate analysis and response to common problems. It has been suggested that pilot projects be made of the eastern shore of Georgian Bay, and around Lake Simcoe. These might provide opportunities to combine interest in broader watershed studies, land use, recreational boating, and water-use planning. The Ministry of Natural Resources should be asked to explore this opportunity.

The Commission recommends that:

53. The *Planning Act* be amended to provide that where municipalities are unable to agree on joint-planning, any municipality may apply to the Ontario Municipal Board for mediation. If the mediation fails, the Board should be authorized to order a joint-planning structure and a cost-sharing arrangement.

54. The Ministry of Natural Resources consider establishing pilot projects that bring together municipalities on the eastern shore of Georgian Bay and along the Lake Simcoe shoreline to coordinate analysis and response to common problems. Such projects could include watershed studies, water-use planning, and recreational boating.

Monitoring and Plan Review

As noted earlier, the Commission is recommending that the *Planning Act* require municipalities with plans to establish monitoring systems. Policies about how monitoring will occur should be set out in the municipal plan.

Monitoring should look at two matters: the effectiveness of policies in achieving municipal objectives; and the review of change in the municipality. Upper and lower tiers should cooperate to ensure an efficient information-gathering process that avoids duplication.

The outcome of monitoring has been referred to as "state of the environment" or "state of the community" or "municipal monitoring" reports. In monitoring, municipalities identify and select key indicators relevant to their local environments — natural, social, cultural, and economic — and then establish procedures for monitoring them. Indicators chosen should be ones that are currently measured or that could be measured at reasonable cost. Monitoring should enable municipalities to recognize and understand the cumulative effects of what, individually, may seem to be insignificant and unrelated decisions.

The monitoring report must be prepared at least every five years and will be an important consideration in a municipality's decision on whether its municipal plan needs to be reviewed. It is important that plans be responsive to changing circumstances, and monitoring will help provide the relevant information. Section 26(1) of the *Planning Act* currently requires a special meeting of council at least every five years to determine the need for a review of the plan. This provision should remain in place, and the monitoring report should be available at this meeting.

Municipalities may find that the introduction of a program to install monitoring devices over a number of years is both cost-effective and very helpful. In Wellington County, the county, the City of Guelph, and the Township of Puslinch have agreed on a groundwater monitoring system. New subdivisions are required to provide a monitoring well at no cost to the municipalities, and in less than five years the municipality has managed, at very little public cost, to establish an effective device for monitoring surface and sub-surface water quality and quantity. Monitoring should not simply be seen as the interpretation of available data; municipalities should be imaginative in devising systems to gather useful data over the coming decades.

The Commission recommends that:

55. The *Planning Act* be amended to require that municipalities prepare monitoring reports at least every five years, identifying and selecting key indicators. The monitoring reports will be one basis for the consideration by the municipality of the need to review its municipal plan.

7
Lot Creation and Development Control

Plans embody a vision for the future and provide a context for development activity. It is largely through development that plans get implemented. It is essential that municipalities have effective mechanisms to review and regulate development proposals to ensure that new buildings and structures conform to the municipality's plan and meet various technical requirements. These development control mechanisms must also ensure due process to protect the interests of the applicant and the public. This chapter addresses the key aspects of implementation: lot creation and development controls.

Lot creation is often the precondition for development, and mechanisms to regulate the creation of lots are outlined in the following section.

The Commission has concluded that the two existing administrative systems — subdivision and consents — should be maintained, but is recommending changes in information requirements and the delegation of authority.

A variety of mechanisms used to regulate land use and building form are discussed in the second major section of the chapter, development controls.

Lot Creation

The ability to create new lots is, in the eyes of many, one of the most important powers available to local decision-makers. In many municipalities, the creation of a lot is the precondition for development, and the members of land division committees and committees of adjustment occupy very important positions in their community. Thus, it is no surprise that the section of the Draft Report which attracted by far the most attention was the one proposing changes to procedures and authorities for creating lots.

Existing Legislation

There are two administrative procedures for creating new lots: plans of subdivision, and consent (severance). Plans of subdivision are normally required for creating three or more lots from a parcel of land, while the consent procedure is generally used to create only two to four new lots. The *Planning Act* does not specifically direct which procedure should apply in any given case. While matters to be evaluated in applications for consent are similar to those for plans of subdivision, the potential impacts of subdivisions are generally greater because of their size and the number of lots involved, and a more rigorous assessment is required.

The number of individual lots created in rural areas by consents has increased dramatically over the past decade. As well, to avoid the more complicated and time-consuming process required for subdivision approval, some municipalities have used the consent procedure to create subdivisions of large numbers of lots. In both cases, concerns have been raised about the effects of approving so many lots on an individual basis without the degree of scrutiny associated with the subdivision approval process.

At present, plans of subdivision must be approved by the Minister or by a municipality that has been delegated the Minister's approval powers. Subdivision approval has now been delegated to all regional municipalities; to the counties of Huron and Oxford; to the separated cities of Belleville, Brantford, Brockville,

Kingston, North Bay, Peterborough, Sault Ste. Marie, and Timmins; and to the town of Orangeville. These delegations, set out in regulations under the *Planning Act*, outline conditions that councils must comply with, including circulation of applications to a number of provincial ministries and agencies. In some situations, such as in the regional municipalities of Waterloo, Halton, and Hamilton-Wentworth, the authority to deal with subdivision applications has been further delegated by the regional council to the regional planning commissioner, so subdivisions are decided on by staff, not by council.

The *Planning Act* assigns responsibility for granting consents to regions, counties, and separated municipalities, and to cities in the North. In the case of towns, townships, and villages, and unorganized areas in the North, consent-granting authority rests with the Minister.

Regions, counties, and separated municipalities, and cities in the North, may, with the approval of the Minister, further delegate these powers. Regions or counties may delegate to a land division committee, to staff, or to a local municipality; and a local municipality may subdelegate to a committee of adjustment or to staff. Separated municipalities and cities in the North may delegate to a committee of adjustment or to staff. The Minister may delegate consent-granting powers to planning boards in the North, or to towns, villages, and townships in the North. The use of these powers of delegation has resulted in considerable variety in the bodies that have consent-granting authority across the province. For instance, 20 of 39 regions and counties have delegated consent-granting authority to 144 lower-tier municipalities. This has resulted in considerable fragmenting of accountability. Concerns have been raised about the exercise of this authority, and no new delegation of consent-granting authority to lower-tier municipalities has occurred in almost five years. In fact, one county recently took back consent approval from five local municipalities.

Applications for plans of subdivision must meet the requirements of section 51(2) of the Act. They must contain information on such matters as the availability and nature of domestic water supplies, the nature and porosity of the soil, and the availability of municipal services. The boundaries of the area to be subdivided must be certified by an Ontario land surveyor. In considering both draft plans of subdivision and consents, regard must be had to the "health, safety, convenience and welfare of the present and future inhabitants" of the local municipality and to a number of other matters set out in section 51(4). Although less information is required for applications for consents, the legislative requirements for the two procedures are similar in principle. In practice, however, consent applications are often not scrutinized as rigorously as those for subdivision. This has been partly attributable to the fact that there have been different approval authorities involved and different levels of circulation to review agencies. Since consents are expected to be less complex, they usually receive less intense review than plans of subdivision.

The *Planning Act* does not require notice to the public or to abutting landowners for either type of application. Applications for subdivisions are often accompanied by applications for amendments to the official plan or zoning by-law, and it is through the notification provisions for these changes that the public usually finds out about applications for subdivisions.

Although notice is not required for plans of subdivision, appeals may be made by anyone at any time before draft approval has been given. If the application is refused, an appeal may be made only by the applicant. Concerned citizens have no right of appeal after draft approval is granted.

Although public notice of consent applications is not required under the Act, approval authorities must give notice to anyone submitting a written request to receive notice. Only the applicant, the Minister, agencies, or persons who have received notice of the decision may appeal to the Ontario Municipal Board.

Response to the Commission's Draft Proposal

The Commission, in its Draft Report, proposed that there be one system of lot creation in Ontario and that the responsibility initially be lodged at the upper tier. The Draft Report proposal was based on the assumption that subdivision approval would be delegated to all upper-tier governments with approved plans. Upper tiers would then be able to deal with all applications in a more timely fashion, and consistency of interpretation could be assured. The need for two separate systems would then disappear. The Commission also proposed subsequent delegation of lot creation to lower-tier municipalities under certain circumstances.

The Commission's proposal for one system of lot creation engendered a considerable amount of comment. The organizations and municipalities in favour stated that combining the consent and subdivision processes was logical and made administrative sense. Many stated that lodging lot creation at the upper tier dealt with concerns that the decision-makers might not always be impartial when considering their neighbours' applications, particularly in smaller municipalities. Although advocating one set of rules for lot creation, most of those in favour of one system of lot creation did suggest that the upper tiers be allowed to establish a simplified process to create one or two lots.

Many other organizations and municipalities raised a number of concerns with the Commission's proposal. Some concerns centred on the fear that severances would have to go through the lengthy process that subdivisions now go through, especially in areas where provincial approval is required. (The Commission, however, had always intended that upper tiers could set up different administrative arrangements, including a simpler process for simpler applications.) Another concern was the possible removal of delegated consent authority from local municipalities, land division committees, and committees of adjustment. Concerns were also raised about the cost and delay in registering plans of subdivision. There have in the past been backlogs, but the Ministry of Consumer and Commercial Relations is streamlining the process and now finds that, on average, it takes six weeks to review a file and identify necessary requisitions required from the applicant's lawyers or surveyors. In general, it appears that the complexity of the application — not whether it is a subdivision or a consent — is the primary factor governing the time for registration.

A number of municipalities suggested that a needed improvement would be more timely responses from provincial agencies. To deal with the potential abuse of the consent process, it was suggested, the requirements for consent applications must be tightened. Many said that if appropriate planning policies were in place (for example, to prevent groundwater contamination), local municipalities should be permitted to exercise consent authority.

Improvements to Subdivision and Consent Systems

The Commission has concluded that the two existing administrative systems for lot creation — the plan of subdivision and the consent procedure — should be retained, provided both address the necessary range of issues.

Some submitters suggested that a better distinction in the legislation is needed to direct which applications fit within which administrative procedure. For instance, some submitters argued that the consent procedure should be used only if fewer than a set number of lots are involved, such as five lots. However, setting a number limit does not stop someone from making multiple applications to create more lots. In fact, in situations where land is already fully serviced, creating a larger number of lots through a consent procedure may not be inappropriate. Conversely, creating only a few lots through a plan of subdivision may be the better method if the municipality wishes to secure a road or other municipal service.

Many submitters raised the issue of whether sections 50(5) and 50(7) of the *Planning Act*, dealing with part-lot control, would continue in force. The Commission is recommending that this authority would be retained.

Current legislation requires "general" conformity to official plans. Many submitters commented that the word "general" allows decision-makers to approve matters which in fact do

not really conform. Since this word creates uncertainty, it should be deleted. The Commission is recommending that the *Planning Act* be amended to require that plans of subdivision and consents be consistent with provincial policy, and conform to municipal plans.

The concerns that need to be addressed when creating lots — whether by consent or by plan of subdivision — are the same. They differ only in respect to potential impacts resulting from the number of lots involved or the public interests to be secured. The Commission is recommending that the general legislative requirements be the same for applications for subdivision and for consent. As well, the matters to be dealt with in considering applications should be the same. The administrative procedures used and the level of studies needed to meet these requirements could vary, depending on the scale of development and the issues involved. For example, studies will vary according to whether the land is serviced, whether environmental features are present, whether it is shoreline property, and so forth.

The consent procedure is the subdivision of one parcel of land into two lots, and the cost of requiring a survey with the application is often significant in relation to the risk involved in the application being approved. Accordingly, it seems unfair to require a survey to accompany the application for a consent. That survey can be supplied, if the consent is approved, before registration. Therefore, with respect to surveys, the current requirements of the *Planning Act* should continue.

Issues of need and alternative locations do not have to be examined in a review of an application that conforms to plans. Where required by provincial and municipal policies and plans, applications will be accompanied by an environmental impact study as described in Chapter 6, Municipal Plan-making. Decisions must not be made on applications until such studies are available.

The Act should continue to include provisions which state that if conditions for a consent have not been met within one year, then the consent is deemed to be refused. Until 1983, legislation provided that if conditions in a plan of subdivision were not met within three years, then the draft approval of the subdivision would lapse. The ability to terminate draft plan approval of a subdivision is important in cases where there are constraints on infrastructure. Some municipalities now include such provisions in subdivision agreements, and this authority should be clarified in legislation. In addition, amendments should permit draft approval to be terminated if conditions are not met by a time established in the draft approval.

A reasonable period of time for a municipality to process an application for a plan of subdivision is six months, and for a consent application, three months. If a decision has not been made within six months of submission of a complete application for a plan of subdivision, or within three months of submission of a complete application for a consent, an applicant should be able to appeal to the Ontario Municipal Board. Where a municipality has not taken effective action to respond to an application for a plan of subdivision, an applicant should be able to appeal to the Board 90 days after submitting a complete application.

Delegation

In a planning system where the province has articulated its policies in policy statements and is responsible for approving the broad plans of upper tiers, separated municipalities, cities in the North, planning boards, and planning authorities, the responsibility for lot creation should rest with those municipal governments responsible for issues of settlement patterns, infrastructure, and general concerns about the natural environment.

The *Planning Act* gives subdivision approval authority to the Minister of Municipal Affairs and enables that authority to be delegated to a municipality only "on the request of the municipal council." In order to place responsibility for subdivision approvals on the municipalities that have the capacity to deal with them, once a comprehensive set of planning policies has been adopted, the Minister should delegate subdivision approval authority to all those upper tiers, separated municipalities, cities in the North, planning boards, and planning authorities that have

approved plans and are advised by a qualified planner (defined as a planner who can appear as an expert planning witness before the Ontario Municipal Board). The *Planning Act* should be amended to enable the Minister to undertake this delegation by order and to not require a resolution of council before effecting the delegation. The Minister should also have the authority to charge municipalities an administration fee in those cases where the Minister continues to be responsible for subdivision approval.

Applications for plans of subdivision involve questions of development control and detail, which are usually exercised by the lower-tier municipality. Several submissions asked the Commission to force the upper tier to delegate subdivision approvals to the lower tier, both in recognition of the relationship between subdivisions and development control and to prevent duplication in the administration of subdivision applications.

Because of the broader issues involved, particularly servicing and the natural environment, the Commission is recommending that upper tiers not be permitted to delegate control over subdivisions to lower tiers. That power should remain with the upper tier, either with council or with staff, as council decides.

Although upper tiers should retain the responsibility for subdivision approval, there will be a need for coordination of activities between the upper and lower tiers. Lower tiers do not have approval authority, but they are often actively involved in working with an applicant before the upper tier gets involved.

Different upper and lower tiers have worked out a number of administrative arrangements around subdivision approval. These arrangements include: upper-tier circulation and holding of any necessary meeting; lower-tier circulation and holding of the necessary meeting, with the lower tier making recommendations to the upper tier; and duplication by the upper tier of the process undertaken by the lower tier. In some cases, decisions are made entirely by upper-tier staff; in others, by upper-tier council on the recommendation of staff.

To avoid duplication, it will be very important to ensure that the two levels of government coordinate their activities. The two levels should agree on which one will be responsible for circulation of the subdivision application; which one will provide public notice and hold the meeting where public comment takes place; and how the interests of the other are reasonably expressed and protected in the process. It would be unfortunate if the two levels vied with each other on processing and circulation to the detriment of applicants and the public. The actual arrangements should be worked out between the two levels. It is not appropriate for the province to dictate what this relationship will be.

Under the *Planning Act*, consent authority is assigned — that is, given directly to — regions, counties, separated municipalities, and cities in the North. This authority should also be given to planning boards and planning authorities. As noted earlier, this authority can be delegated to others. From time to time, concerns have been raised about the manner in which decisions are made by either the body assigned the consent authority, or the body to which the authority has been further delegated.

At the present time, the Minister of Municipal Affairs has no authority to withdraw the assigned consent-granting authority away from an upper tier, a separated municipality, or a city in the North. The legislation does enable the Minister to withdraw his or her approval of a delegation of this authority to a local municipality, and this authority should continue. In addition, the *Planning Act* should be amended to give the Minister the authority to revoke assigned consent-granting authority.

The revocation of authority should occur only when a series of decisions are not consistent with provincial policy or do not conform to the municipal plan. In exercising this authority, the Minister must set out the conditions under which the municipality or board would regain consent authority.

The Minister should have the authority to charge municipalities for the cost of administering the approval function for plans of subdivision and consents. These

charges should not extend to cover the cost of the review function of the Ministry.

Although the Commission is recommending that, except where already delegated, consent-granting authority remain at the upper tier, there may be some limited situations in which consent-granting authority could in the future be delegated to a lower tier. The Commission is recommending that, with the approval of the Minister, responsibility for consent applicants may be delegated by the upper-tier municipality to lower-tier municipalities where:

1. upper- and lower-tier plans have been adopted under the comprehensive set of provincial policy statements, and the lower-tier plan is in conformity with the upper-tier plan; and
2. the lower tier is advised by a qualified planner (a "qualified planner" being one who can appear as an expert planning witness before the Ontario Municipal Board); and
3. any conditions set by the upper tier are met.

Whether at the upper- or lower-tier level, decisions about lot creation could be made by the responsible municipal council; or that council may delegate that power to a committee appointed by council as is now the case, or, to a municipal official. Appeals on lot-creation decisions should be able to be made to the Ontario Municipal Board by anyone. Recommendations about notice and appeals are made in Chapter 8, Public Involvement.

As noted, consent-granting authority has already been delegated to lower tiers, land division committees, and committees of adjustment, in many cases. That delegation should continue, as long as the upper tier is assured its responsibilities are being exercised in a reasonable manner; where they are not, the upper tier's ability to withdraw that delegation should continue.

Given the importance of lot creation, public notification of applications and an opportunity for comment should become standard practice. Recommendations on both matters are found in Chapter 8.

The Commission recommends that:

56. The two existing administrative systems for lot creation — plans of subdivision and consents — be maintained. In addition, the current provisions of the *Planning Act* dealing with part-lot control should continue in force.

57. The *Planning Act* provisions regarding plans of subdivision and consents be amended:

(a) To require both plans of subdivision and consents to be consistent with provincial policy and to conform to municipal plans.

(b) To establish the same legislative requirements for both plans of subdivision and consents with respect to information to be provided in applications, and matters to be dealt with in considering applications.

(c) To provide that draft subdivision plan approval may be terminated by the municipality if the conditions of draft approval are not met within a time established as a condition of draft approval.

(d) To provide that if a municipality has not decided on a completed application for a plan of subdivision six months after receiving it, or for a consent three months after receiving it, the applicant may appeal the matter to the Ontario Municipal Board. Where a municipality is not taking effective action on an application for a plan of subdivision, an applicant may appeal to the Ontario Municipal Board 90 days after filing a complete application.

58. The current requirement for boundary surveys to be submitted with applications for plans of subdivision, and the current exemption from this requirement for consent applications, be maintained.

59. The responsibility for lot creation generally reside with the body responsible for the broad plan and, to this end, the *Planning Act* be amended:
    (a) To enable the Minister of Municipal Affairs and Planning, by order, after adoption of a comprehensive set of planning policies, to delegate responsibility for subdivision approval to upper-tier municipalities, separated municipalities, cities in the North, planning boards, and planning authorities, provided they have a municipal plan and are advised by a qualified planner (that is, a planner who can appear as an expert planning witness before the Ontario Municipal Board); and to provide that this authority may not be delegated to lower tiers.
    (b) To assign the authority to grant consents to planning boards and authorities as well as to upper-tier municipalities, separated municipalities, and cities in the North; and to enable the Minister to withdraw this assigned consent-granting authority where there is evidence that the authority is not being properly carried out.
    (c) To give the Minister of Municipal Affairs and Planning the authority to charge municipalities an administrative fee where the Minister exercises approval authority for subdivisions and consents.
    (d) To provide that upper-tier municipalities may delegate consent-granting authority to lower-tier municipalities, on the approval of the Minister, where:
        (i) upper- and lower-tier plans have been adopted under the proposed comprehensive set of provincial policy statements and the lower-tier plan is in conformity with the upper-tier plan; and
        (ii) the lower tier is advised by a qualified planner (that is, a planner who can appear as an expert planning witness before the Ontario Municipal Board); and
        (iii) any conditions set by the upper tier are met.

    The authority of the Minister to revoke such delegation and to return consent-granting authority to the upper tier should be maintained.

60. Where consent-granting authority has already been delegated to lower-tier municipalities, such delegation continue, provided the upper tier is satisfied its responsibilities are being exercised in a responsible way. The authority for the upper tier to withdraw delegated responsibility should continue.

Development Control

Development controls are the tools used to implement policies in a plan. They ensure that development proposals conform to the plan and that plan policies can actually be enforced.

Since they apply to particular proposals, development controls by their very nature deal with questions of detail. The broader questions have already been addressed in municipal plans and no longer are up for debate when a development proposal is being considered. The variety of development control tools available to municipalities are discussed below.

Zoning

Zoning is the most common method of development control used by municipalities. Zoning by-laws permit specified uses, and they prohibit any uses not permitted.

One issue that a number of submissions dealt with is the idea of "inclusive zoning"; that is, requiring that certain uses, such as affordable housing, be required to be provided in communities.

Zoning, however, cannot require that certain uses occur; the nature of zoning is to exclude rather than include. Legislation can, however, prohibit certain uses from being prohibited. In 1989, the province legislated that municipal zoning could not distinguish between related and unrelated people living in the same house; and currently, the province is proposing legislation to prevent zoning from prohibiting a second unit in a house.

Other submissions suggested a different approach to the same concern: that the Ontario Human Rights Code be specifically invoked to ensure no one is prohibited from living in any community. The Ontario Human Rights Code applies throughout Ontario. Specifically making reference to the Code in planning matters probably does nothing to enhance its applicability.

Some submissions urged that the Commission permit municipalities to put a sunset provision or time limit on site-specific rezonings. If the project is not underway within two or three years after a site-specific rezoning had been granted, they argued, the rezoning should cease to take effect and the original zoning would again be applicable. A sunset provision for rezoning does not seem supportable. If the rezoning conforms to policy and the municipal plan, why should it not remain in effect?

Another point raised with the Commission was the manner in which zoning instruments are used. Some suggested the Commission recommend that municipalities be required to permit residents to work from their homes. The Commission believes this could be addressed in policy, but suggests it is better left to individual municipalities to determine what home occupations might be permitted, and subject to what conditions. Some wondered if municipalities might not be better off regulating the bulk and height instead of the density or permissible floor area of buildings. Setting conditions for bulk and height, they argue, is a better control over how a building will sit on a site and relate to its neighbours than having density zoning. However, zoning is just as capable of regulating the latter as the former. It is a matter of municipal choice.

In the same vein, some submitters suggested that many municipalities have gone overboard in the amount of detail loaded into the zoning by-law, making it difficult to do much of anything without requiring a minor variance or rezoning. They wanted "as-of-right zoning," which would permit changes such as intensification of main streets without the need for rezonings. This, too, is a matter of municipal choice. Municipalities are empowered to create zoning designations that permit change. Indeed, although recent fashion has been to impose zoning which as much as possible reflects existing built form and uses so that changes to structures and uses are not possible without council approval, the zoning by-laws of 30 years ago allowed a considerable amount of change to take place without municipal approval. Municipalities might well be advised to have a lighter touch, but this is not a matter for legislation to address.

Rezonings must conform with the municipal plan. Applicants should expect such applications to be dealt with expeditiously, except when they accompany a municipal plan amendment.

Current legislation states that if a rezoning application is not dealt with in 30 days, an appeal may be made to the Ontario Municipal Board. For the same reasons noted in Chapter 6, Municipal Plan-making, for plan amendment applications, it is very difficult for a council decision to be made on a rezoning application in this period. The Commission is recommending this period be 90 days.

The Commission recommends that:

61. The *Planning Act* be amended to provide that if a municipality has not decided on a rezoning application within 90 days of receiving a completed application, the applicant may appeal the matter to the Ontario Municipal Board.

Water Zoning and Regulations

The uses permitted on land and the ways in which they are managed can have a significant effect on water. The uses that occur on water can have just as significant an effect on land, and should be controlled in the same manner. Municipalities should have the power to address these issues.

A number of distinct water and boating uses may require regulation to protect other boaters, users of adjacent land, and the natural environment. These include anchorage, swimming, racing, and protected wilderness. However, there are a number of jurisdictional complications that must be addressed.

All navigation in Canada, including recreational boating, is controlled by the *Canada Shipping Act*. While the federal interest is mostly in commercial shipping and safety, the Boating Restriction Regulations under that Act permits control over speed, waterskiing, and the use of power boats.

If a municipality wishes to impose a speed limit on a stretch of water, it must apply to the Ministry of Natural Resources. The Ministry of Natural Resources then negotiates with federal officials, and after federal review a decision is made.

The whole subject of water use and zoning is relatively new, and the opportunities for action are only now being explored. The various interests — the federal government, the province, municipalities, cottagers, boaters, marina operators — will have to work together to determine how numerous objectives can be resolved at one time to protect the natural heritage while providing varied recreational experiences.

The Commission recommends that:

62. To provide for more local regulation of waterways in the province:

(a) The province begin negotiations with the federal government to delegate the administration of the regulation of recreational boating to the province, similar to the current delegation of the administration of some sections of the federal *Fisheries Act*.

(b) The ministry responsible for recreational boating consult with the Association of Municipalities of Ontario, affected municipalities, cottager associations, boating associations, and others, to discuss administrative arrangements regarding requests for speed limits, signage, and general implementation, including effective policing.

(c) The province begin negotiations with the federal government to amend appropriate legislation to permit municipalities to plan for and place appropriate water-use designations on inland water bodies.

Streetscape and Physical Design Guidelines

Design guidelines help create coherence of physical form and predictable and pleasing relationships between buildings, streets, and landscapes. Streetscapes from previous centuries convey the feeling that the buildings were designed with common principles in mind. Many observers have noted this quality about European cities or even blocks of 19th century commercial and housing developments in Canadian cities and towns.

While site-plan control helps municipalities exercise control over the form of specific building proposals, design guidelines are a method of establishing policy direction over general building form in a defined area. Their use has recently attracted considerable attention. Andres Duany and Elizabeth Plater-Zyberk, the designers of Seaside in Florida and numerous other new communities in the United States and Canada, including a large development site in Markham, Ontario, base much of their planning emphasis on design controls rather than use or density. The controls they recommend deal with building placement (they emphasize setbacks and build-to lines); height; location of parking; and location of permitted balconies and stoops. In the United Kingdom, planner Leon Krier, who has designed a new community being developed by the Prince of Wales, advocates a similar approach.

The *Planning Act* currently authorizes site-plan control to deal with the details of individual buildings, but it does not recognize design guidelines that specify common parameters for groups of buildings on the same street.

Design guidelines describe, within a defined district such as a section of the downtown, the desired relationship of buildings to one another and to the street, with reference to location and bulk. The simplest design controls are setbacks from street-lines and build-to lines, and height. Both can be implemented through zoning. Setbacks are important to ensure some uniformity in the manner in which streets and public open space is designed; for instance, there is a significant difference between the feel of a commercial street where parking is allowed between the sidewalk and the front of buildings, and one where buildings are located at the edge of the sidewalk. Height is important because of its effects on sunlight, wind, and view-planes. Other provisions could be used such as angular planes, which would limit height according to angles measured from street-lines; or slanted and straight roof-lines. Again, these can be secured by zoning. Matters of further detail can be secured through site-plan control.

To ensure design guidelines are known, they should be stated in a municipal, area, or neighbourhood plan. The development of design guidelines for a district proposed for intensification would provide an excellent opportunity for public debate on general design questions. The guidelines can be implemented through municipal plan policies, zoning, and site-plan control. No extra development control tools are needed.

The Commission recommends that:

63. Municipalities be encouraged to prepare, with full public consultation, design guidelines for defined districts, and include them in a municipal, area, or neighbourhood plan. Design guidelines would be implemented through zoning and site-plan powers already available to municipalities.

Site-Plan Control

Whereas design guidelines set out the principles for structures in defined districts, site-plan control deals with individual projects on a site-by-site basis. Current site-plan control provisions permit municipalities to designate areas in official plans where applicants, prior to obtaining a building permit, must enter into agreements regarding such matters as the siting of structures, ingress and egress, utilities, and landscaping. Site-plan control agreements are the last stage of development approval.

The intent of site-plan control was to permit council to deal with the placement of buildings on the lot. As developments have grown in scale, with significant impacts on the street and neighbouring properties, such matters have become increasingly important. In exercising their powers, many councils have attempted to extend their authority to include architectural detail and colour. In the rush for final approval, developers have often held their tongues and agreed to things they considered both unnecessary and not permitted by legislation.

Site-plan matters are questions of detail, and the current *Planning Act* does not contain provision for public involvement. Negotiation of site-plan agreements is generally left to staff. Many site-plan cases deal with minor, non-contentious matters that are easily resolved between the staff and the developer.

Some submitters suggested that public notification for site plans should be a requirement of

the *Planning Act*. However, many large projects are subject to rezoning and will require public notification and discussion, where many site-related issues can be raised and resolved. These processes should ensure that the public is involved in most matters of major public interest.

There may, however, be cases where rezoning is not required, but where the issues raised at the site-plan stage are significant enough that staff alone cannot be expected to resolve them. Public comment and political debate may be useful in these situations. Some councils now use procedures where opportunities for public comment and council debate are provided. Rather than recommending that public notification be required, the Commission recommends leaving to councils the question of whether the public is involved in the exercise of site planning, and under what circumstances. The *Planning Act* should be amended to permit councils to develop policies and procedures for how and when public input into site-plan review occurs.

Some submissions noted that municipalities take the opportunities provided by site-plan control to require applicants for plan amendments and rezonings to submit detailed plans with the application for plan amendment or rezoning. Before spending money on details, applicants often prefer settling the general questions of what is to be permitted. It was suggested that the solution to this problem would be a two-stage site-plan application. The first stage, as planning parameters are being settled, would require only small amounts of design information; the second stage, once plans and zoning had been agreed to, would require detailed drawings of buildings.

But this division is hard to enforce in the real world, and a two-stage process would likely lead only to further confusion, with neither time nor money saved by the applicant. In short, the issue is mainly one of reasonable municipal demands and coordination of review processes.

Site-plan controls must be consistent with provincial policy and conform to municipal policy, and zoning by-laws. As a method of achieving public objectives, some municipalities have found undertakings (non-registered agreements) from developers to be as effective as registered site-plan agreements — and speedier. This procedure should be explored by municipalities.

Under the current legislation, an applicant may appeal to the Ontario Municipal Board if a decision has not been made within 30 days of a site-plan application's being received or if the applicant is not satisfied with any of the requirements made by the municipality. This right of appeal should be maintained.

Legislated authority for site-plan agreements should be widened to include other matters of an operational nature. These matters include on-site requirements to deal with off-site impacts; any requirement regarding phasing, infrastructure, or other matters authorized by provincial or municipal policy (for example, an agreement on the provision of affordable housing or clean-up of contaminated sites); conditions necessary for environmental protection and restoration, including storm-water management, site alterations, monitoring, and noise; and financial arrangements, including letters of credit.

Section 41(8) of the *Planning Act* requires that regions and counties be consulted about site-plan matters and be given a reasonable opportunity to enter into agreements with the applicant regarding regional or county road matters, including requiring land dedication for future road widenings. A number of municipalities noted that this section should be broadened to permit regions and counties to impose conditions for public transit. The Commission agrees.

It has also been suggested that counties and regions should be able to include other site-plan matters in agreements. The Commission feels it is important to distinguish clearly the roles of upper and lower tiers in site-plan control and avoid duplication or conflict. Since site-plan matters are primarily matters of detail related to development control, site-plan control should continue to be the responsibility of the lower tier, except where all development control responsibility has been transferred to the upper tier.

The Commission in its Draft Report recognized the considerable debate about whether council should control the colour of

buildings, the types and textures of materials, and/or architectural detail. One submission noted: "The public is affected by ugly or inconsistent buildings and streetscapes and by startling changes in the character of built form. People complain, object to and appeal such matters ... Fifty years ago there was no need for design guidelines or codes. The vernacular governed and everyone knew what to expect and accepted what would be built. Change was evolutionary rather than revolutionary. Now, in contrast, we are in an era of architectural statements, corporate images, "power" buildings, "power" houses, and, in general, buildings that are designed to command the attention or respect of the passer-by."

A number of submissions argued council should have the ability to control the colour of buildings, the materials in which they would be clad, window openings, and other matters of architectural design.

For obvious reasons, it is reasonable to exercise this control over existing buildings designated pursuant to the *Ontario Heritage Act*; such buildings have already been selected for special attention. The Commission has no intention of recommending changes to this existing control on existing buildings.

But the Commission has considerable doubt that similar controls should extend to other existing buildings and to new buildings. As already noted, municipalities are encouraged to adopt design guidelines for districts where it is important to achieve consistency between buildings on a street. But that power should not go so far as the municipality telling applicants what colours must be used, what material will be employed, or how doors and windows are to be designed. Few homeowners would support council dictating the colours of house trim, and whether or not aluminum or wood siding would be permitted. Council should not be permitted to set rules on these matters for other owners. Council can attempt to negotiate such matters, but should not have the power to impose its ideas unwillingly on the applicant.

As another submission noted: "Design, like art, is ... something we should not try to control." Design guidelines provide adequate protection to the public interests, along with current provisions of site-plan control, even for buildings in prominent locations.

The Commission is recommending that current provisions of site-plan approvals not be expanded to include colour, texture, type of materials, window detail, construction details, architectural detail, and interior design.

The Commission recommends that:

64. The site-plan control provisions of the *Planning Act* be amended:

(a) To authorize municipalities and planning boards, in cases where the council or board decides to permit public consultation in the site-plan process, to develop procedures for how and when public input into site-plan review occurs.

(b) To widen the authority for site-plan agreements to include:

(i) on-site requirements to deal with off-site impacts;

(ii) any requirement regarding phasing, infrastructure, or other matter authorized by the municipal plan and provincial legislation;

(iii) conditions necessary for environmental protection and restoration, including storm-water management, site alterations, monitoring, and noise;

(iv) financial arrangements, including letters of credit.

(c) To authorize regions and counties to impose conditions for public transit purposes.

65. Current provisions of site-plan control not be expanded to include colour, texture, type of materials, window detail, construction details, architectural detail, and interior design.

Development Permits

In some Canadian jurisdictions, development is reviewed under a development permit system, as an alternative to site-specific zoning and site plans. In these situations, council sets the general policies of acceptable development in designated districts, and the details are determined by staff in negotiation with the applicant. This process resolves detail in a speedy manner, helps tailor development to the conditions and peculiarities of the site on which it is located, and ensures that stated public objectives are met. This process does not deal with lot creation.

Unlike the site-plan control process, the development permit process allows details of density and use, as well as matters of physical form, to be included in negotiations conducted by staff. Thus, in a development permit system, council must set limits on the discretion to be exercised by staff with respect to density and use. As well, design guidelines, into which new structures must generally fit, must be established.

An important question is the extent to which the public becomes involved after council sets policies about design guidelines and the limits of staff discretion. On the filing of an application, Vancouver requires the posting of a drawing of the proposed project on the site, with appropriate telephone numbers to call for information. The planning staff handling the application are often identified as well. Applications are rarely referred to council, but are handled by a staff committee in consultation with a small review committee appointed by council and consisting of individuals with an interest in development and design.

Adapting this system to the Ontario milieu may require some experimentation, but the similarities to processes for design guidelines and site-plan control seem quite clear.

In essence, the development permit system might be characterized as one where the policies — general densities and uses, and design guidelines — are set by council, and the details are then worked out on a site-by-site basis between the applicant and the staff, with some public input. Processes for site-specific rezoning and site-plan control would not be needed, so the potential for saving time is considerable. For some Ontario municipalities, such an approach has much to offer. The Commission is recommending that municipalities be allowed to adopt a development permit system.

A committee should be appointed by council to advise the staff committee dealing with applications. The committee should represent a broad range of interests such as developers, community leaders, and individuals with an interest in design.

Public involvement should be limited to two instances beyond the general debate on the guidelines adopted. In the first, following notice of an application, there would be comment to staff and the appointed committee. In the second, if a development permit moves from the purview of the staff committee to be debated by council, comment would be pursuant to policy adopted by council. Notification of applications and notification of decisions should be the same as for rezonings, described in Chapter 8, Public Involvement. Appeals should be permitted to the Ontario Municipal Board on development permit decisions.

The key is ensuring that no duplication exists between the development permit system and other development control systems. In districts where development control is in place, the traditional rezoning, minor variance, and site-plan process should not be available as a method of controlling and authorizing development applications. One system excludes the other.

The Commission recommends that:

66. The *Planning Act* be amended to permit a municipality to adopt a development permit process for any district in a municipality, and to delegate permit approvals to staff, provided the municipality:

(a) has adopted in the municipal plan development permit districts defining densities, uses, design guidelines, and other requirements — such as environmental impact study requirements — for the affected part of the municipality; and

(b) has appointed an advisory committee consisting of members representing a broad range of interests, such as developers, community leaders, and individuals with an interest in design, to advise staff on development permit applications; and

(c) has adopted a policy outlining conditions under which development permit applications will be considered by council rather than by staff.

67. The *Planning Act* be amended to provide that appeals of development permit decisions be made to the Ontario Municipal Board. If a municipality has not decided on a development permit application within 90 days of receiving a completed application, the applicant may appeal the matter to the Ontario Municipal Board.

68. In districts where the development permit process is in place, the traditional rezoning/site-plan approval process should not apply.

Sewage and Water Allocations

In some municipalities, where sewage and water capacities are limited, allocations have been made to developments that seem unlikely ever to proceed, blocking other opportunities for new development. A sunset provision should be included in subdivision agreements so that the allocation, if not used, may be recalled and re-allocated. If these rules are set in policy and known in advance, developers can then plan within them. A fair process is important for the success of these arrangements.

Accordingly, the Commission is recommending that legislation permit council to establish in the municipal plan sunset provisions on sewage and water allocations. As a transitional matter, the legislation should provide that in cases where an allocation was made before this new legislation was passed or before council has established policies pursuant to the new legislation, such allocations cannot be taken away until at least 12 months after the municipality has adopted such policies.

An owner losing a sewage or water allocation should have the right to appeal the withdrawal of the allocation to the Ontario Municipal Board.

Municipalities should also have the authority to reserve capacity for a reasonable amount of development that might proceed without plan of subdivision, such as minor infill and second units.

The Commission recommends that:

69. The *Planning Act* be amended:

(a) To authorize municipalities to establish in the municipal plan sunset provisions on sewage and water allocations; and that the legislation provide, as a transitional matter, that allocations made before the legislation is passed may be withdrawn no sooner than 12 months after the municipality has adopted policies pursuant to the legislation.

(b) To provide that any owner losing a sewage or water allocation has the right to appeal the withdrawal of that allocation to the Ontario Municipal Board.

(c) To authorize municipalities to reserve sewer and water capacity for a reasonable amount of development that might proceed without plan of subdivision, such as minor infill and second units.

Bonusing and Density Transfers

Bonusing is the awarding of extra density or development rights in return for specified public benefits. Ad hoc, site-by-site bonusing generally has not worked well, and the public does not like it: it smacks of "let's make a deal" planning. Planners complain they are put in the unenviable position of being questioned on whether they negotiated a good enough deal. Ad hoc bonusing makes a mockery of certainty in planning, and it should not be allowed.

However, council should be authorized to set general policies permitting bonuses in defined districts in return for stated public benefits, provided a proposal meets clear criteria set by council. Policies must establish the maximum bonus that can be achieved, and the public benefits for which a bonus may be given. If these details are known to everyone, bonusing can be a useful planning tool for the municipality, since it is a way of obtaining public benefits that might not otherwise be secured.

Transfer of density refers to arrangements where density rights are removed or reduced from one site (and an appropriate agreement is registered on title) and transferred to another. These arrangements, while rare, can produce public benefits in cases of large developments. For example, transfers have been helpful in protecting historic buildings and securing open space.

But, as with bonusing, policies must be set in advance and not case-by-case. Council should be authorized to permit any transfer of density if the municipal plan states the policies outlining the purposes and criteria of such transfers — and establishes geographical limits for development districts within which transfers can occur. Municipalities must have the ability to secure obligations by agreement.

The Commission recommends that:

70. The *Planning Act* be amended to clarify that:

(a) Municipalities be authorized to permit bonuses in defined districts in return for stated public benefits, provided the municipal plan establishes the maximum bonus that can be achieved and the public benefits for which a bonus may be given.

(b) Municipalities be authorized to permit any transfer of density if the municipal plan states the policies outlining the purposes and criteria of such transfers, and establishes geographical limits for development districts within which transfers may occur.

Site Alterations

Many submissions expressed concern about the limited powers available to prevent an owner from removing vegetation on a site, or from radically changing contours. Such actions not only have a significant impact on local natural systems (including changes to stormwater flow and impacts on rivers and streams), but also can alter the character of an area in quite profound ways. While the ownership of property clearly implies the ability to use and make alterations to that property, it should be subject to reasonable controls.

Municipalities are in the best position to set appropriate controls and to ensure they are enforced. Controls will vary from place to place. Controls on site alteration in cottage country will be different from those in farming communities. What is needed in some parts of the municipality will not be needed elsewhere in the same municipality.

Municipalities need comprehensive powers to control alterations of sites, whether grading, dumping, tree-cutting, or removal of materials like peat. Control over topsoil removal is addressed through the *Topsoil Preservation Act* and amendments have been proposed to the *Trees Act* to give municipalities additional controls over tree-cutting; but what is required is a more general authority.

Issues that must be addressed include identifying the kinds of activities that should be controlled and determining how to prevent destruction in advance of new controls and effective remedies.

To ensure destruction does not take place in anticipation of new site-alteration by-laws, municipalities should be permitted to set controls without prior notice — provided notice immediately follows the decision and that opportunities for public debate and possible reconsideration are then available.

Further, the municipality should be assured power of entry to inspect sites. Often, site alterations take place out of public view, and entry onto the site will be necessary to determine what is happening.

Any person should be allowed to apply to the courts for injunctive relief in cases where it seems unauthorized site alterations are about to occur. In cases where court-imposed fines are not a sufficient method to restore sites, the municipality should be assured it has the ability to restore the site itself and levy costs on the property taxes. Authority similar to that under section 31 of the *Planning Act* to remedy breaches of maintenance and occupancy by-laws should be available to municipalities once the authority over site alterations is established and the power of entry for inspection is clear.

Councils will make use of the powers suggested here in different ways and to different degrees. The powers being suggested are discretionary, not mandatory. And, as suggested, the municipality should be permitted to impose different site-alteration standards and controls in different parts of the municipality.

Controls should not be permitted to interfere with alterations authorized under the *Drainage Act*, or with farm tile drainage or other normal farming practices. Representations that utilities and railways be exempted from site-alteration control were made to the Commission, but there seems no good reason to provide a provincewide blanket exemption, given the amount of land owned by railways and hydro companies across the province. Municipalities will be able to work out reasonable arrangements suitable to all interests.

The ability to control site alterations should rest with the lower-tier government, since it is the one most involved in the details of implementation.

The Commission recommends that:

71. To provide municipalities with general authority to regulate site alterations, the *Planning Act* and other applicable legislation be amended:

(a) To permit municipalities to regulate tree-cutting, vegetation removal, changes in elevation, placement and removal of fill, and removal of peat. The controls should not apply to alterations authorized under the *Drainage Act* or to farm tile drainage or other normal farming practices.

(b) To permit municipalities to designate districts and apply different levels of site-alteration control to different districts, provided policies for each are spelled out in the municipal plan or appropriate by-law.

(c) To permit municipalities, in order to control tree-cutting and other site changes in anticipation of new rules, to set interim controls in a district without prior public notice, provided notice immediately follows the decision and opportunities for public debate and reconsideration are then made available.

(d) To permit municipalities to enter the property for the purpose of inspections to ensure compliance with municipal by-laws.

(e) To provide adequate penalties and remedies for breach of site-alteration by-laws, including injunctive relief, and including the ability to restore the site and recover costs for restoration.

Minor Variances

As discussed in Chapter 9, Conflicts, Disputes, and Appeals, the Commission is recommending that appeals from decisions on minor variances to zoning by-laws be heard by the municipal council, not the Ontario Municipal Board. This recommendation is made with the understanding that interest in minor variances is very local in nature, and disputes should be resolved locally. This change will ensure that appellants can be heard as quickly as council deems, rather than having to wait the considerable amount of time now needed to arrange a Board hearing.

More than 90 percent of decisions are not appealed, however, and, as a number of submissions observed, it seems unfortunate that the vast majority of decisions should have to be delayed for 30 days to determine if an appeal will be made. The notice of decision will not be the first time interested parties hear of the matter — notification of the application is given to those in the area before a committee of adjustment hearing occurs. In sum, an appeal period of 14 calendar days from notification of the decision should provide adequate opportunity for parties to determine if they wish to appeal. As well, the Commission proposes to increase the 10-day notice period for committee of adjustment hearings to 14 days. Recommendations on these matters are found in Chapter 9.

Hearings and decision-making processes of committees of adjustment should be conducted completely in public, as indicated in Chapter 8, Public Involvement. A number of submissions indicated dissatisfaction that some committees held public hearings, but then discussed and made decisions in private.

One submission urged that the *Planning Act* be amended to make it clear that committees of adjustment be permitted to deal with minor variances of use. As councils become more particular about the precise nature of some uses — some councils distinguish among barber shops, hairdressing salons, and beauty parlours — and as uses have a habit of slightly changing their focus as they respond to the market, it is important that some mechanism be readily available to authorize minor changes in use.

The Commission proposed in its Draft Report that, to speed the processing on some defined minor variances, staff be permitted to decide on them. There was considerable opposition to this proposal, which is not being recommended.

The Commission recommends that:

72. Legislation be amended to clearly authorize committees of adjustment to consider minor variances of use.

Development Standards

Development standards are the detailed municipal requirements that developers must follow as they implement specific projects. They are of provincial interest for two reasons. First, they can have a substantial impact on the form of development and on the natural environment, and thus are related to the implementation of provincial policies. Second, the extra costs incurred if standards are higher than necessary can be significant across the province.

Some standards can accent and augment sprawl and discourage reasonable compactness. Some can require expenditures for what many call "gold-plated standards," which result in higher housing prices. And in some cases, the developer has no reasonable recourse to fight an unreasonable standard imposed late in the development process.

The province should focus attention on such questions as: what risk should the standard be designed to bear? how uncommon an occurrence should the standard be expected to meet? should local storm-water systems be built to handle the worst storm expected over 10 years or 25 years? should cul-de-sacs be wide enough to accommodate an aerial fire truck for turnarounds?

While the province should not set development standards to which municipalities must adhere, it should advise municipalities and the development industry of standards it considers reasonable, recognizing that conditions vary across the province. What works in Metro Toronto may not work

in North Bay or Bayfield.

Development standards should be based on the following general principles:

- The standards should be consistent with provincial policies and conform to municipal plans and, in particular, should respect and protect significant natural and cultural features.
- Standards that rely on natural processes to resolve potential problems are preferred over technical intervention.
- Standards should contemplate and encourage compact development and make efficient use of land.
- Standards based on recreational and social- and health-service levels should take into account changing demographic patterns, actual use, and changing social values.
- Acceptable standards should minimize construction, maintenance, and replacement costs.

Several issues need to be addressed. A number of municipalities indicated they thought standards relating to zoning — setbacks, minimum frontages, parking requirements — were entirely local in nature and should not be addressed on a provincial basis. Other issues, however, are more technical in nature, and since they involve questions of "best practice," can fruitfully be addressed in a manner that will help inform all municipalities. It may be appropriate to have a range of standards to reflect geography, climate, and types of development across the province.

The standards that should be reviewed are:

Road and sidewalk: width of right-of-way; width of pavement; radius of cul-de-sac; width of boulevard; residential curb type; sidewalk width and whether on both sides of the road.

Infrastructure: storm-sewer requirements; storm-surface drainage; necessity of storm-water treatment; manhole spacing; sewer diameter; roof drainage requirements; foundation drain requirements; sanitary and storm-sewer connections; water-main connections; trenching requirements; street lighting.

Building: provision for manufactured homes; minimum residential unit size.

Parks and recreation: plantings, parks, and open space; recreational facilities; fencing.

In the spring of 1993, a committee was established by the Minister of Housing and the Minister of Municipal Affairs to consider development standards that could serve as a municipal guide. The committee has broad representation from groups and organizations, as was suggested in the Commission's Draft Report, with a work schedule that seems timely and appropriate.

Given the initiative already taken by the ministries, the Commission does not feel it is appropriate to make a further recommendation on this matter.

Municipal Infrastructure

Some types of municipal infrastructure projects recur with regularity and are limited in scale — some road widenings, or the provision of some piped services — and common approaches can be used to reduce environmental impacts. These projects are currently subject to a standard environmental assessment procedure, the Class Environmental Assessment (Class EA) process under the *Environmental Assessment Act*.

Class EA is a self-assessment process undertaken by the municipality. The Class EA document that sets up a process for project assessment is approved by the Minister of the Environment and Energy.

The Class EA process outlines a series of steps, including requirements for public input, that must be taken to ensure the environmental effects of the project are assessed. It also classifies projects into three schedules (A, B, and C) according to expected environmental impacts. Schedule A projects are those that are limited in scale and have minimum adverse effects. These projects are considered to be approved and are not subject to an individual environmental assessment. Schedule B projects have the potential for some adverse environmental effects, and are subject to a screening process to evaluate them. Projects with the potential for significant environmental effects must be accompanied by an environmental study report. These are known as Schedule C projects.

Objectors may request the Minister of the Environment and Energy to "bump up" a project from a simple review under Class EA to a full-scale, individual environmental assessment.

An increasing number of requests for bump-ups of municipal infrastructure projects have been made during the past few years. Generally, the objectors claim that adequate studies of need and alternatives have not been done, and that a project may not be necessary if alternatives are pursued. There have also been requests for bump-ups of projects that, because of scale and impact, are thought to have been inappropriately placed in the Class EA process. The number of bump-up requests indicates that people are not confident that larger environmental concerns are being addressed. In fact, the bump-up procedure does not ensure concerns will be dealt with, since it is not a right of appeal, and most bump-up requests are turned down by the Minister.

Infrastructure decisions are integral to the municipal planning process, and the confusion between processes under the *Planning Act* and the *Environmental Assessment Act* leads to uncertainty and duplication.

These problems must be addressed, and the Commission is recommending a number of changes. Establishing a procedure for assessing small-scale, recurring types of municipal infrastructure, lodged within the *Planning Act* and with a clearly defined appeal mechanism, would be an important step forward.

Questions of need and alternatives for road, sewer, and water infrastructure — both public and private — must be addressed by municipalities when they prepare their municipal plans. Most infrastructure projects are dependent on decisions made in the municipal plan. As noted earlier, one of the main functions of planning is to look at such matters.

If questions of need and alternatives are dealt with in the municipal plan, the significant issue then becomes ensuring that the infrastructure is designed to have the least net impact — or, stated more positively, the most beneficial impact — on the natural environment. Currently, as noted, any review of these infrastructure projects is undertaken through the Class Environmental Assessment process established under the *Environmental Assessment Act*. Given the linkage between municipal planning and infrastructure development, it would make sense to move the review of these projects into a class environmental process under the *Planning Act*.

Projects that fall into the class environmental process should be defined in the *Planning Act* as having the following characteristics: they are recurring; are similar in nature; are limited in scale; have only a predictable range of environmental effects; and are responsive to standard mitigation measures. Projects not meeting these characteristics would continue to be subject to the *Environmental Assessment Act*.

To distinguish this procedure from Class Environmental Assessment under the *Environmental Assessment Act*, this standard procedure should be called the Class Environmental Review (Class ER).

The requirements for undertaking a Class ER should be set out in a document — the parent Class ER document — that defines the public and private infrastructure at the municipal level that falls within the class. This parent document should also set out the matters to be considered in developing alternative design and mitigation measures and should establish the process for public involvement. The parent Class ER document should be developed through a process that involves interested groups, and it should be approved under the *Environmental Assessment Act* by the Minister of the Environment and Energy. This document can then be used under the *Planning Act*, and all municipalities will then have a common process to follow in reviewing infrastructure design of projects fitting into schedules B and C. Final decisions about these projects should not be made by councils until the studies required by the Class ER process are available and considered by council, and council is satisfied that the requirements of the Class ER have been met. There should be public notice of completion of the review and the study should be publicly available, as is now the case with Class Environmental Assessments.

Where change is proposed that involves infrastructure subject to an environmental study report and where an environmental

impact study is required, the two will be coordinated to ensure no duplication, and a single study meeting both requirements should be undertaken.

Those who question whether municipalities have studied need and alternatives will be able to take their concerns to the Ontario Municipal Board by appealing the relevant municipal plan at the time it is being considered, or, as noted below, by appealing the applicability of the Class ER to a specific project. Thus, the bump-up provisions of the *Environmental Assessment Act* would be replaced by certainty of appeals under the *Planning Act*.

Those who feel that an infrastructure project is wrongly considered under a Class ER because it does not fit the definition of class, or believe the studies prepared are not adequate or do not meet the requirements of the Class ER process, should be permitted to appeal the municipal decision to the Ontario Municipal Board. If the OMB rules the project does not meet the definition, the project would be subject to the *Environmental Assessment Act*. If the OMB rules the studies are inadequate or the matter does not meet the requirements of the Class ER process, then the project should not be approved.

Currently, under the Class EA system, the parent Class EA document sets out a minimum number of opportunities for public comment on projects listed in schedules B and C. (Projects fitting in Schedule A, that is, limited and with minimum adverse effects, do not involve a public process.) Notice and public comment are required at two stages for projects planned under Schedule B. The first is the invitation to the public at the start of the project, and the second is a notice of completion. In the case of projects planned under Schedule C, there is an additional requirement for a public meeting, which usually takes the form of an open house. After a notice of completion is filed in respect of Schedule B and Schedule C projects, there is currently a 30-day period, during which time further written comments may be received and a request for a bump-up can be made. Similar provisions for public involvement should appear in the parent Class ER document. The Commission is proposing that a notice of appeal to the OMB — instead of a request for a bump-up — would have to be filed within 30 days of the filing of a notice of completion.

Because use of the proposed Class ER process assumes that questions of need and alternatives have been addressed in the municipal plan, a municipality should not be able to use the recommended Class ER process until it has approved a plan addressing the issues of need and alternatives.

Some infrastructure projects do not fit this definition of being "recurring" and "limited in scale" — landfills and large sewage-treatment projects, for instance. These projects should continue to be dealt with under the *Environmental Assessment Act*, along with provincial and provincial agency undertakings. The opportunity to designate large-scale private-sector undertakings with major environmental impacts (such as incinerators and mines) should continue to exist.

Concerns have been expressed about the processing of these large projects, and proposals for change have emerged from ongoing reviews of the environmental assessment process. Much can be accomplished through administrative reform, such as clearly defining the scope of issues to be addressed in the hearing process.

Questions were raised about the status of organizations such as natural gas distribution companies, which now obtain approvals for piped system through the Ontario Energy Board. The Class ER process should not be required for any change authorized through the *Ontario Energy Board Act*.

The Commission recommends that:

73. To establish an improved process for reviewing municipal infrastructure projects, legislation be amended to provide that:

(a) The environmental assessment and review of municipal infrastructure projects currently undertaken through the Class Environmental Assessment process of the *Environmental Assessment Act* occur under the *Planning Act*, through a process called Class Environmental Review.

(b) The Minister of the Environment and Energy be authorized to approve, under the *Environmental Assessment Act*, a parent Class Environmental Review (Class ER) document for any municipal infrastructure defined as "recurring, similar in nature, limited in scale, having only a predictable range of environmental effects, and being responsive to standard mitigation measures," and that this definition of class be included in legislation.

(c) The parent Class ER document set out both the matters to be considered in developing alternative design and mitigation measures, and the process for public involvement including public notice and comment.

(d) Municipal infrastructure projects meeting the characteristics set out above and private infrastructure projects defined in the parent Class ER document be approved under the Class ER process prior to final decisions to proceed with construction.

(e) Municipal infrastructure projects not meeting the definition of class continue to be subject to the *Environmental Assessment Act*.

(f) Appeals of the Class ER process, including whether the project falls within the definition of class or concerning the adequacies of studies, are to the Ontario Municipal Board. The Board's jurisdiction in these cases should not extend to questions of need and alternatives dealt with at the municipal plan stage.

(g) Appeals to the Ontario Municipal Board on issues of need and alternatives to municipal infrastructure be permitted only at the municipal plan stage, where such matters are reviewed. Infrastructure in an approved municipal plan need not be subject to a new need and alternatives study when the plan is reviewed.

(h) Provincial and provincial agency undertakings continue to be dealt with under the *Environmental Assessment Act*. The opportunity to designate large-scale private undertakings under the Act would continue.

(i) Where change is proposed which involves infrastructure subject to an environmental study report and where an environmental impact study is required, the two be coordinated to ensure no duplication, and a single study meeting both requirements be undertaken.

8 Public Involvement

Public involvement is crucial to the planning process. Democracy relies on an informed public that understands processes, issues, rights, and obligations.

The Commission heard repeatedly that involvement by the public substantially improves the quality of decisions, and that such decisions prove more acceptable to the population at large.

But an informed and involved populace does not just happen — information must be readily available and processes must invite public involvement.

Many people told the Commission that local government is well placed and structured — some say best placed and structured — to foster meaningful participation.

Some municipalities take strong and effective action to encourage informed participation by members of the public in local decisions; some use open houses and neighbourhood meetings. However, many municipalities adhere to minimum requirements, and a few are hostile to public knowledge of their activities.

Experience in a number of municipalities has shown that the earlier the public is involved, the better the decisions are for everyone, including the developer. (Some developers find it in their interest to take the lead in discussing issues with the public.) The best public involvement happens when the municipality makes clear its commitment to such participation. Municipalities should be encouraged to develop procedures for public input that fit local needs and conditions and go beyond those set out in the *Planning Act*.

The province has an interest in the issue of public involvement, and basic requirements should be spelled out in legislation.

General principles about public involvement that should be embodied in legislation are set out below.

Information

Information is a basic requirement. An individual should be entitled to see and copy all information supporting applications and all staff reports on applications.

Some members of the public have found that when they ask to see information about development proposals, they are told they are not permitted to make photocopies because the architect holds the copyright on the drawings, and any copying would constitute copyright infringement. This practice, of course, substantially limits the ability of a resident to discuss a proposal with neighbours, and it should not be condoned. Architects, engineers, and other professionals must agree when they submit applications that drawings, plans, and documents filed in support of those applications can be copied for purposes of public information and debate.

Sometimes a municipality is quite willing to make information available, but will charge a substantial fee, for example $75 or more for a copy of a draft official plan. Some municipalities even charge members of the public for the agenda of council and committee meetings, with prices as high as $10 for the agenda of a single meeting. Such charges represent a high entry fee to debates about municipal planning matters and serve to limit public involvement.

Everyone recognizes that municipalities do not have unlimited amounts of money with which to publish vast numbers of planning documents. But charging high prices for basic information is not necessary, even for municipalities with limited funds, and should not be tolerated.

One alternative approach is to ensure that planning documents are in a form, and at a length, which can be reproduced inexpensively. Current technology makes this very possible. If charges are to be made for documents, they should be nominal.

Establishing and maintaining a strong municipal information program will involve some costs. These costs should be recognized as part of the cost of good planning.

The *Municipal Freedom of Information and Protection of Privacy Act* sets out some basic requirements about the availability of information. While municipalities should comply with this legislation, they should not take actions that force residents to rely on the complicated and time-consuming procedures required to obtain information under this Act.

The Commission recommends that:

74. To encourage more public involvement in the planning process through the provision of information, the *Planning Act* be amended:

(a) To require that all information, documentation, and staff reports in relation to plans and applications be available to the public. Applicants must agree in submitting applications that drawings, plans, and documents filed in support of those applications can be copied for purposes of public information and debate.

(b) To permit municipalities to charge only nominal fees for planning reports and documents.

Council and Committee Meetings

Council and committee meetings must be open to the public, and decision-making regarding plans and planning must be carried out publicly.

The *Municipal Act* requires that council meetings be in public, but some councils attempt to get around this requirement by meeting as a "committee of the whole," or by saying that gatherings of council members aren't the "meetings" contemplated by the legislation. Both are fine distinctions that do nothing to encourage public involvement in decision-making, and both responses should be discouraged. The Ministry of Municipal Affairs has published a draft paper on legislative changes requiring more open meetings, and the province should proceed with this legislation.

Several submissions complained that some committees of adjustment make their decisions in private. The Commission is recommending that meetings of committees of adjustment be open to the public and that the decision-making process be carried out publicly.

The Commission recommends that:

75. The *Municipal Act* be amended so that council and committee meetings, meetings of committees of adjustment, and meetings of land division committees be open to the public, and decision-making regarding plans and planning applications be carried out publicly.

Notification

Those affected by proposed changes must be notified, in plain and simple language, in advance of decisions being made.

The issue of "plain and simple language" should not be overlooked. A number of submissions suggested wording often was devised to allow lawyers to communicate with lawyers, rather than to give the public good information about what was being considered. For example, property references to plan and lot number rather than to street address can confuse matters. Wording that attempts to cover all legal eventualities makes things more confusing. The objective should be to convey basic information.

Although it is difficult to legislate the details of "plain and simple" notification, the intention can be conveyed. The *Planning Act* should require notification in language that can reasonably be expected to be understood by those being notified.

The *Planning Act* sets out requirements for notification of planning actions, decisions, and appeals. Many submissions requested expanded notification provisions.

Several submissions complained that notice is required to owners, but not to tenants. Tenants also pay property taxes (through rent), and many play as active and interested a role in the community as owners. Any notification required for owners should also be given to tenants and other occupants, such as members of housing cooperatives, and legislation should so require.

A number of submissions indicated that public involvement would be improved if interested organizations and associations could be assured of notification. Currently, they must rely on members who are owners in the area receiving notice, because there is no method of ensuring that interested groups can receive notice. Individuals with special interests in certain issues face the same problem.

The best remedy to this situation is to require municipalities to maintain a registry system for notification. Some interested groups and individuals may not wish to be notified of all activities in all parts of the municipality, or of all kinds of applications or decisions for which notification is given. Therefore, municipalities should be permitted to establish administrative policies on districts in the municipalities, and on kinds of applications, for which registries will be established.

Since this notification may involve a cost, the municipality should be permitted to charge a nominal annual fee to individuals or groups who put themselves on a registry.

Where notification must be given to the general public, either in the whole municipality or in a large part of it, a variety of methods might be used: newspaper advertisements; direct mail to owners and non-owner occupants on the assessment roll; and direct delivery by postal walk or other door-to-door method. All are appropriate, although direct delivery must be augmented by direct mail to non-resident owners as shown on the assessment roll. Municipalities should be permitted to use whatever method they deem appropriate in the circumstances.

Two kinds of notification should be required for site-specific rezonings, plan amendments, development permits, and lot creation. First, the applicant should be required to post a sign on the site with a sketch and a very brief description of the proposal and use, along with appropriate locations and phone numbers for further information. Legislation should permit municipalities to set the requirement for such signs, and when they should be posted.

All site-specific applications, with the exception of minor variances, should require notification to owners and to non-owner occupants within 120 metres of the property for which the application is being made. In areas where a 120-metre radius reaches only the next property (as in many rural areas, where properties are very large), notice should also be to the owners and non-owner occupants of the properties that abut adjacent properties. The existing requirements of notification within 60 metres for minor variances seems adequate and should remain, but notice should be extended to non-owner occupants.

The Commission recommends that:

76. To encourage public involvement in the planning process through better notification, the *Planning Act*, be amended so that:
    (a) Those affected by proposed changes be notified, in plain and simple language, in advance of decisions.
    (b) Municipalities be required to maintain a registry of those requesting notification of planning matters in the municipality or in parts of the municipality. A nominal fee may be charged for this service. The municipality may determine districts and kinds of applications for the registry, for which notice may be given.
    (c) Where notification to owners is required, notification also be to non-owner occupants listed on the assessment roll.
    (d) Where notification must be given to the general public, it be through a newspaper advertisement, direct mail to owners and non-owner occupants on the assessment roll, or direct delivery to properties affected and direct mail to non-resident owners.
    (e) Where notification is required for municipal plans, major plan amendments, and comprehensive zoning by-laws, notification be to the general public, those on the registry, applicable boards of education, adjacent municipalities, upper- or lower-tier municipalities as applicable, ministries and provincial agencies, and Aboriginal communities deemed to have an interest in the matter.
    (f) Where notification is required for site-specific rezonings, plan amendments, development permits, and lot creation, applicants be required to post a sign on the site, to specifications set by the municipality, advising of the nature of the application. Notification must also be given to owners and non-owner occupants within 120 metres of the site; in areas where a 120-metre radius reaches only the adjacent properties, notice should also be given to owners and non-owner occupants of properties abutting adjacent properties. Notice should also be given to those on the registry wishing notice, upper- or lower-tier municipalities as applicable, applicable boards of education, ministries, and provincial agencies, and Aboriginal communities deemed to have an interest in the matter, unless the municipality is notified that notice is not required.

Public Meetings

The planning process must be arranged in a way that encourages public involvement, and interested parties must be given an opportunity to be heard at appropriate points in the process.

Significant public involvement should be encouraged in processes to create municipal plans, to consider major plan amendments, including neighbourhood and area plan amendments, or to consider comprehensive zoning by-laws. At least two public meetings should be held. As noted, these issues require considerable planning studies, and the issues raised have important ramifications for the municipality.

The public must also be given the opportunity for involvement in minor plan amendments, rezonings, and subdivisions. As well, there should be the opportunity for public involvement for minor variances and consents. Where reasonable, applications for different kinds of approvals for the same property should be dealt with concurrently. Where different applications for the same property are being processed by different levels (for example, subdivisions and rezoning), the different levels should coordinate their activities. The degree of formality depends on the municipality involved.

For municipal plan creation, major plan amendments, and comprehensive zoning by-laws, the following minimum process should be set out in the *Planning Act*:

1. Publication of intent to consider policy change.
2. Opportunity for public response, including at least one public meeting.
3. Preparation and circulation of draft proposal (including alternatives).
4. Opportunity for response, including at least one public meeting.
5. Final decision-making.
6. Notification of decision.

As discussed in Chapter 6, Municipal Plan-making, at the beginning of each process for municipal plan review, major plan amendments, and comprehensive zoning by-laws, a preliminary report should be prepared by the municipality, describing:

- in general terms, the purpose of the plan review;
- the general scope of the plan review, including studies to be undertaken;
- proposals for public consultation and participation by interested agencies; and
- the proposed timetable.

This report would permit the public to be aware of the proposed process — and to debate it — at the early stages. Everyone will benefit from knowing what is to be expected.

In appropriate cases, this preliminary report might also provide the municipality with the opportunity to indicate that the plan amendment is major, is not one the municipality wishes to consider apart from a general plan review, and should be rejected as premature. In other cases, the amendment might be so contrary to existing policies that it should be rejected. Saying "no" is often difficult. This suggested procedure may be useful in that regard.

As noted for these cases, there should be a minimum requirement of two public meetings. The first meeting should be at the beginning of the process, when the preliminary report is considered. The second should be at the other end of the process, when final reports are being considered. Where, after the first meeting, a decision is made not to proceed with the proposed planning exercise, one public meeting will of course be all that is needed.

For the first public meeting, notice should be given to the general public, those on the registry, applicable boards of education, adjacent municipalities, the upper- or lower-tier municipalities as applicable, ministries and provincial agencies, and Aboriginal communities deemed to have an interest in the matter. A second notice, to the same parties, and a public meeting are required for the second meeting.

For rezonings, plans of subdivision, and minor plan amendments, one public meeting must be held, and notice of the application should be given to owners and non-owner occupants within 120 metres of the site (or the greater area, as outlined in the above section on notification), those on the registry wishing notice, the upper- or lower-tier municipalities as applicable, applicable boards of education, ministries, and provincial agencies, and Aboriginal communities deemed to have an interest. In addition, a sign must be posted on the site.

For minor variances and consents, a public meeting must be held by the body making decisions on them. At this meeting, the public is heard from and a decision is then made. Where lot-creation functions have been delegated by council to a committee, it is the delegated body that will hold the public meeting. However, where lot-creation matters rest with the Minister of Municipal Affairs and Planning, notice must be given inviting comment, rather than requiring a meeting. Where lot-creation matters have been delegated to municipal staff, notice must be given inviting comment.

In the case of development permits, there are opportunities for public comment, but no opportunity for a meeting unless council so decides.

No notice or public meeting or hearing is required for plans of condominium.

An agency may indicate it does not wish to receive notice of certain applications, and in this case notice need not be given.

A reasonable opportunity for public comment must be permitted at all public meetings. There should be reasonable public notice (as outlined below), as well as opportunities provided for all interested parties to make presentations to decision-makers.

Where two or more applications on the same property are being dealt with concurrently, notification and meeting requirements should be combined.

The Commission recommends that:

77. To encourage public involvement in the planning process through public meetings, the *Planning Act* be amended to require that:

(a) The following process be followed for plans, general, area, neighbourhood, or other major plan amendments, and comprehensive zoning by-laws:

(i) Publication of intent to consider policy change.

(ii) Opportunity for public response, including at least one public meeting.

(iii) Preparation and circulation of draft proposal (including alternatives).

(iv) Opportunity for response, including at least one public meeting.

(v) Final decision-making.

(vi) Notification of decision.

(b) For plans, general, area, neighbourhood, or other major plan amendments, and comprehensive zoning by-laws, two public meetings take place. The first, to be held at the beginning of the process, should consider the need for the review of the plan or by-law and the process to be used for the review, including procedures for public involvement. The second should be at the end of the process, when final reports to council are being considered. Reasonable opportunities for public comment will be permitted at each meeting.

(c) For rezonings, lot creation, and minor plan amendments, at least one public meeting be required when final reports to council are being considered. Reasonable opportunities for public comment will be permitted at the public meeting.

(d) Where reasonable, two or more applications on the same property be dealt with concurrently, and notification and meeting requirements be combined.

Other Considerations

Several submissions argued that planning staff should be required to respond to significant arguments advanced during the public process. Although this is a useful suggestion, such a requirement is difficult to legislate. First, in some cases the public meeting or public hearing happens just before the council or committee makes a final decision; obviously, it will not be possible for staff to report and comment on objections raised. Second, it does not seem reasonable to require in legislation that every argument, no matter how weak, must receive a response. The question of what the planners respond to seems to be a matter of local political interest, and should not be legislated.

Currently, the legislation permits municipalities to appoint a planning advisory committee. The *Planning Act* should authorize municipalities to establish committees to advise on matters such as the natural environment, agriculture, and housing. These committees could become a valuable resource to the municipality.

A number of submissions voiced concerns that traditional methods of notification and public involvement appealed to a narrow range of interests. Various groups of people are sometimes, in effect, excluded from the process because of income, age, cultural background, or other factors. The submitters urged that municipalities take special steps to involve those interests not normally represented. The Commission encourages municipalities to take steps to ensure

that a wide range of interests are heard at public meetings, including those traditionally excluded from planning processes.

Some submissions strongly suggested arrangements that would require municipalities to fund public groups wishing to become involved in planning issues before decisions are made by council. This kind of funding is generally called participant funding. Some municipalities find it useful to fund public groups, and these decisions should continue to be left to individual municipalities.

The Commission recommends that:

78. The *Planning Act* be amended to permit municipalities to establish committees to advise on such matters as the natural environment, agriculture, housing, and planning.

Notification Periods and Time Limits

The process should be easily understood and accessible. The timeframes should permit consideration of the issues involved without creating unreasonable delay.

The Commission is recommending the following notice be given for meetings:

- Public meetings to consider plans, plan amendments, comprehensive zoning by-laws — 30 calendar days
- Public meetings to consider rezonings, plans of subdivision — 21 calendar days
- Public meetings to consider consents — 21 calendar days
- Public meetings to consider minor variances — 14 calendar days
- Public comment on development permits — 21 calendar days
- Public comment on consents and plans of subdivision where delegated to municipal staff — 21 calendar days
- Public comment where lot creation rests with the Minister of Municipal Affairs and Planning — 21 calendar days

There must be adequate time periods for filing a notice of appeal with the municipality. The Commission is recommending the following appeal periods from notification of the decision:

- Plans, plan amendments, comprehensive zoning by-laws — 45 calendar days
- Rezoning, plans of subdivision, consents, development permits, site-plan control, withdrawal of sewer and water allocations — 21 calendar days
- Class Environmental Review — 30 calendar days
- Minor variances — 14 calendar days
- Minister's interim control order — 45 calendar days

Several submissions asked for a longer appeal period for minor variances, so that non-resident owners (particularly cottagers) would be able to receive the notice and fairly respond.

However, the Commission believes the important time period is the one giving notice of the public meeting and allowing for input into the decision before a first decision is made. A longer appeal period is not required because those interested will have already been involved; notice of decision is only sent to those who so request before a decision is made.

The Commission is recommending that notification of applications for minor variances be slightly increased from 10 to 14 days, and that a registry system which allows cottager associations

and other groups to receive notice be established. Of course, the Commission is also recommending that appeals on minor variances be handled by the municipal council.

The Commission recommends that:

79. The *Planning Act* be amended to provide for the following notification and appeal time periods:

(a) Notification periods:

(i) Public meetings to consider plans, plan amendments, comprehensive zoning by-laws — 30 calendar days

(ii) Public meetings to consider rezonings, plans of subdivision — 21 calendar days

(iii) Public meetings to consider consents — 21 calendar days

(iv) Public meetings to consider minor variances — 14 calendar days

(v) Public comment on development permits — 21 calendar days

(vi) Public comment on consents and plans of subdivision where delegated to municipal staff — 21 calendar days

(vii) Public comment where lot creation rests with the Minister of Municipal Affairs and Planning — 21 calendar days

(b) Appeal periods, from notice of decision:

(i) Plans, plan amendments, comprehensive zoning by-laws — 45 calendar days

(ii) Rezonings, plans of subdivision, consents, development permits, site-plan control, withdrawal of sewer and water allocations — 21 calendar days

(iii) Class Environmental Review — 30 calendar days

(iv) Minor variances — 14 calendar days

(v) Minister's interim control order — 45 calendar days

9
Conflicts, Disputes, and Appeals

The Commission heard over and over that the planning process has become too adversarial, and many submissions urged that steps be taken to make it more consensual.

Planning is, by its nature, controversial. People have different ideas about what planning should actually achieve, so in the best of all possible planning systems disputes are bound to arise. A good planning system will incorporate processes to resolve or settle these disputes as early as possible.

Changes must be made if planning is to be less adversarial. One submission summed up the matter well: "Community planning affects people personally. The planning process was developed with good intentions, but there are situations when the result has ended in good people hurting good people. At times, bitterness and animosity are the by-products of the final decision. Planning must be modified to permit people to approach the process in a less adversarial state of mind. The process must help people listen to each other."

Planning can be made more consensual by ensuring that everyone interested in outcomes is involved in the planning process as early as possible. The earlier that people learn of proposals and have a chance to become involved in the process, the less likely they will feel imposed upon by the decisions of others — something that generates anger and hostility — and the more likely agreement will be reached.

The Commission is calling for early notification on policy matters. Recommendations include requirements for municipalities to indicate, at the beginning of a major planning exercise, the ways in which the public will be involved and the tentative timetable for the process. This information will help provide all parties with some idea of what is expected.

A number of submissions raised the matter of early negotiations and dispute resolution. One planning board staff member in Northern Ontario informed the Commission that only two disputes in his jurisdiction have been appealed to the Ontario Municipal Board in the past 17 years. Such an enviable record is not attributable to mere good luck, since this planner sees his role as reducing opportunities for disagreement. He talks to parties when applications are filed, he lets people know of problems and possible concerns, he arranges meetings before decisions are made and, if there are lingering doubts or worries, then after decisions as well.

It would be useful if all planners could help parties listen to each other and help conciliate where necessary, but such is not to be assumed, given that the skills involved are often based on training and attitude. It is, of course, in everyone's interest that disputes be resolved as early as possible.

Larger municipalities should consider assigning staff to help conciliate. Where a municipality itself is a party to the dispute, it should arrange for mediators.

Disputes often remain after a municipality makes a planning decision. Resolving them should continue to be viewed as a municipal responsibility, and mediation should be encouraged. The Minister of Municipal Affairs, the Honourable Ed Philip, has recently announced pilot projects that encourage municipalities to call the parties together to discuss settlement options after a council decision, but before any OMB hearing. The results of these pilot projects will be useful to review in shaping resolution mechanisms.

The Commission recommends that:

80. Mediation and programs which help different interests listen to each other be part of the planning process, and that municipalities consider techniques to encourage dispute resolution prior to council decisions.

Ontario Municipal Board

After decisions have been made at the municipal level, the key dispute-resolution mechanism is the Ontario Municipal Board (OMB), an independent administrative tribunal.

The Commission has found broad support for the OMB and the role it plays as an independent arbiter and decision-maker. However, almost universal concern was expressed about the time involved in scheduling hearings — from 12 to 18 months. Despite recent improvements — most hearings are now held within 12 months — the main areas of change in the OMB should focus on having disputes settled and appeals heard more quickly.

The Board now receives almost 6000 new files a year and holds more than 2000 hearings annually. The files are roughly broken down into the following general categories:

900	minor variances
1000	consents
1000	zoning matters
100	subdivision matters
200	official plan amendment matters, most of them site-specific
50	site-plan matters
1000	assessment appeals
40	expropriation cases
1500	municipal capital expenditure matters.

The last items — assessment appeals, expropriation cases, and capital expenditure matters — are not under the *Planning Act*.

Few capital expenditure matters require a hearing. About 80 percent of the remaining matters are dealt with at hearings that take no more than three days — and many of these in fact can be handled in one day. A very small number of all cases — about 3 percent — consume more than half the Board's hearing time.

Several submissions suggested ways of reducing the backlog. One proposal was to reduce access to the Board, limiting grounds of appeal to matters such as provincial or municipal policy or process. Lawyers responded that they would be able to shape any appeal to fit such grounds, which means the limitation would be ineffective. Another suggestion was to prohibit appeals on questions of "market impact" or for the purpose of limiting competition. Conditions and limits on appeals would likely lead to further delay as parties argued before the Board — and then, possibly, before the courts — about whether the grounds of appeal had actually been met. The Commission rejected this approach.

The Commission has already noted that decisions must be consistent with provincial policy, and that development proposals must conform to municipal plans. A comprehensive set of provincial policies, along with comprehensive municipal plans, will help answer the question the Board must often grapple with in the abstract: what is "good planning"? Questions of adherence to provincial policy, municipal plans, and a fair process should be the major focal points of the Board's deliberations.

Some submissions suggested there be a substantial filing fee for appeals. The Commission agrees that some accountability must rest with an appellant beyond purchase of the stamp on the envelope containing the appeal, but it is not convinced that the merit of the appeal relates in any way to the depth of the appellant's pocket or ability to pay. The question of accountability is best addressed in the way the case is handled by the Board.

Minor Variance Appeals

A number of submissions suggested that minor variance appeals not be heard by the Board. In recent years, the Board has received almost 900 minor variance appeals annually. Such appeals occupy about 10 percent of the Board's workload.

The substance of minor variances is restricted entirely to questions of zoning detail. The Commission has argued that final planning decisions should be

increasingly made by municipalities, and it seems reasonable that a provincial appeal body should not be deciding issues deemed too insignificant to be dealt with by local councils. These matters should be decided in a final fashion by those elected to make decisions locally. The provincial interest in questions of process is set out in legislation that ensures parties are given reasonable notice and a reasonable opportunity to be heard, and that provides a fair and open process for decision-making. Details of these requirements are described in Chapter 8, Public Involvement.

There are several advantages in having appeals on minor variance decisions considered and decided on by local councils, as opposed to having appeals heard by the Ontario Municipal Board. Local councils should be able to make decisions about very local matters, and variances of zoning by-laws certainly fit this category. One result of this shift is that council will be much more attentive to establishing alternative dispute-resolution techniques in order to ensure that such appeals do not eat into council's time.

A second consequence is that council will be more cognizant of the limitations of its zoning by-laws and the need for by-laws which permit everyday applications to proceed without a time-consuming, complicated process. A third is that some of the Board's energy and time will be freed to deal with more significant issues, and a fourth is that appeals can be dealt with more quickly.

There are arguments against this shift. Some councils may feel they will be overwhelmed by the number of appeals they must hear every year. However, many of the largest municipalities generate no more than a handful of minor variance appeals, and that number can be reduced through better zoning by-laws and improved dispute resolution. One municipality, the City of Toronto, generates almost 200 minor variance appeals yearly, and it will have to review its zoning by-laws and dispute-resolution mechanisms to ensure it is able to deal with this change. The Commission believes these minor matters should be placed within the control of the most locally elected body.

On appeal, the council will make a decision on the merits of the case.

The Commission recommends that:

81. The *Planning Act* be amended to require that, where appeals of decisions on minor variances are filed, the council in the municipality in which the application has been made consider the application and make a decision, and that the role of the Ontario Municipal Board in such appeals be terminated.

Dispute Resolution

The Ontario Municipal Board has an important role to play in resolving disputes, and more energy should be devoted to this aspect of its work. The OMB has already taken initiatives in this direction. The following proposals of the Commission complement these initiatives.

A notice of appeal should state the reasons for appeal, so that a reasonable understanding of the matters in dispute can be gained from the document itself.

To ensure a common base of information about the issues involved in the appeal, the municipality should be encouraged to convene a meeting of the appellant(s) and other participants who have an interest in the appeal to discuss the matter. It is hoped this meeting will result in the dispute being resolved, or at least in a narrowing of the issues. The OMB should have the authority to order the municipality to convene such a meeting, where appropriate.

For appeals of plans, zoning by-laws, and other matters, standard procedure should be that within 30 days of the appeal being received by the OMB, the Board should convene a procedural meeting of the parties, chaired by a person assigned by the Board. There may be minor cases involving a brief hearing where, in the Board's opinion, its time would be better spent proceeding with the hearing than arranging for this procedural meeting. The Board should be encouraged to define such situations and to ensure that hearings for these cases occur in an expeditious fashion.

The procedural meeting would be for any one or a combination of the following purposes:

- to identify the parties;
- to correct misinformation;
- to confirm that relevant statutory requirements have been met;
- to consider consolidating related matters in dispute;
- to determine and simplify issues;
- to explore mediation and settlement possibilities;
- to exchange documents and reports;
- to determine whether an application for intervenor funding will be filed;
- to estimate the length of any hearing that may be necessary; and
- to discuss scheduling.

The Board member assigned to the meeting should be familiar with the case and be prepared to provide direction at the meeting. The objective should be to settle the matter or proceed with a hearing in a fair and expeditious manner.

Several courses of action may flow from the procedural meeting:

1. If a settlement consistent with provincial policies is reached at the procedural meeting, the Board may issue the appropriate order.
2. If the appellant does not attend the procedural meeting and the Board concludes it is appropriate in the circumstances, it may dismiss the appeal.
3. The Board may conclude that the appellant does not have an objection which merits a full hearing, and it may order a time and place for the applicant to make representations as to the merits of the appeal, following a procedure comparable to that in section 34(25) of the *Planning Act* dealing with zoning matters. This section states that the Board "may, where it is of the opinion that the objection ... is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall notify the appellant and afford the appellant an opportunity to make representations as to the merits of the appeal." The Act should be amended to broaden the application of this section to all matters subject to appeal.

   A number of submissions suggested that the Board be permitted to make a decision at the procedural meeting to dismiss appeals because of lack of merit. However, if the Board was allowed to make a final decision at this stage, the informal discussion would be undermined. Another session is therefore required to permit at least the appellant to be heard and a decision to be made. This summary hearing to determine the merits of the appeal should be swiftly scheduled and brief.
4. If the Board has concluded an application for intervenor funding will be made, arrangements for submission of the application and its determination should be made as quickly as possible.
5. If the Board concludes a settlement seems possible, it may set out a process and timetable for mediation. With the consent of the parties, the Board could appoint a mediator to assist. If a settlement is reached, it must be approved by the Board to ensure consistency with provincial and municipal policies.
6. The Board may conclude that a full hearing is warranted. Where useful, the Board should set out a timetable for further exchange of information and encourage other methods to ensure the hearing will focus on the serious matters in dispute. The Board may call other meetings as required.

A Board member who conducts the procedural meeting should not preside at an application for intervenor funding, or at a summary hearing (as described in point 3, above). A member who conducts settlement meetings or intervenor-funding hearings should not be involved in subsequent full hearings. A member involved in a procedural meeting where settlement is not discussed should be permitted to be involved in full hearings.

The Commission recommends that:

82. **The Ontario Municipal Board, as a standard practice, convene a procedural meeting of the parties within 30 days after an appeal has been received by the Board, chaired by a Board member. This meeting will determine how best to process the dispute, including arrangements to disclose information, narrow issues, focus on serious matters under dispute, and seek a settlement. In minor cases where a hearing will occur in an expeditious fashion, the Board may dispense with the procedural meeting.**

83. **The *Planning Act* be amended to provide that where the Ontario Municipal Board member concludes at a procedural meeting that the appellant on any planning matter does not have an objection which merits a full hearing, the member may order a time and place for the appellant to make representations as to the merit of the appeal.**

Other Procedural Matters

Unincorporated associations The *Planning Act* states that only "persons" may file appeals, which has been interpreted as excluding unincorporated associations. This interpretation leaves many community groups unable to file an appeal or be party to a Board hearing unless they become incorporated. There is little real difference between incorporated and unincorporated community organizations: both raise questions of representation, and neither resolves questions of financial capability in the event of costs being awarded. An organization's status is irrelevant as far as the validity of its arguments is concerned. For comparison purposes, the *Consolidated Hearings Act* has defined "person" to include an unincorporated association. The Commission, therefore, has concluded that the legislation should be amended to enable unincorporated associations to file appeals with the Ontario Municipal Board.

Increased authority The *Planning Act* authorizes the Ontario Municipal Board to make any decisions that can be made by a municipality or the Minister. Several submissions asked for clarification of the Board's power to impose terms and conditions (including monitoring) to protect the natural environment and secure other matters. The Commission is recommending increased authority to municipalities. If this recommendation is adopted, such authority will then be available to the Board. Also raised were questions of the enforcement of Board orders. The Act should make it explicit that a person who contravenes a Board order is guilty of an offence, and that a private individual or body may initiate prosecution for the enforcement of any Board order. The Board should also have the authority to refer matters back to the municipality for further study or consideration.

Site-specific objections One technical problem with the current Act is that when a site-specific objection to a comprehensive zoning by-law is filed, the whole of the by-law is considered to be under appeal. This technicality should be resolved to ensure the appeal does not hold up implementation of those parts of the by-law not under dispute. Where an objection to a municipal or an area plan, or to a comprehensive zoning by-law, is site-specific, the appeal should be deemed to apply only to the property affected, and the remainder of the document should come into effect.

Right to appeal The Commission is recommending that for municipal plan approvals, the current referral system (in which the Minister or some delegated authority is requested to refer a matter to the Board) be replaced with a right to appeal to the Ontario Municipal Board. Supporters of the referral system argue that the discretion involved in deciding when the matter is referred allows for negotiation with the applicant. The merit of the appeal system is that it

replaces discretion with certainty of time limits and processes. Nothing will prevent that same negotiation from occurring within the time limits of appeal.

Audio-tapes Because it is not common practice for Ontario Municipal Board hearings to be transcribed, transcripts of proceedings are virtually unattainable. This is a concern, especially in lengthy hearings where the arguments are made well after the evidence is given. In such cases, an independent record of Board hearings is important to prevent a dispute over what was said in evidence. The Commission has therefore concluded that, on the request of a party prior to a hearing, the Board should be required to arrange for an audio-tape of the proceedings of the hearings, and to provide a copy of the tape when requested.

The Commission recommends that:

84. The *Planning Act* be amended:

(a) to provide unincorporated associations status before the Ontario Municipal Board;

(b) to make explicit that a person or municipality who contravenes a Board order is guilty of an offence;

(c) to permit the Board to refer matters back to a municipality for further study or consideration;

(d) to allow for the approval of the unappealed portions of plans and comprehensive zoning by-laws when only site-specific appeals have been filed;

(e) to replace the current referral system with a right to appeal to the Board; and

(f) to provide that, on a request of a party prior to a hearing, the Board shall arrange to make an audio-tape of the proceedings of the hearing.

Intervenor Funding

The concept of intervenor funding permits the hearing board to order funding to be provided to certain participants prior to a hearing. The *Intervenor Funding Project Act* authorizes the Ontario Energy Board, the Environmental Assessment Board, and joint boards under the *Consolidated Hearings Act* to award intervenor funding.

The unavailability of intervenor funding at the Ontario Municipal Board has been an issue that has received considerable attention during recent years.

The Commission received many submissions that strongly favour intervenor funding at the Board, arguing that such funding, by balancing resources of intervenors and proponents, is one of the few ways of ensuring meaningful participation before the Board. As one submission noted: "Intervenor funding is crucial if there is to be meaningful, objective public input into Municipal Board hearings."

The Commission also received many submissions strongly opposed. Some argued that intervenor funding would result in more appeals, more delays, and added costs to both developers and municipalities. The public interest was fairly represented on municipal councils or by the province, submitters said, and would not be represented by intervenors. And neither municipalities nor developers could bear the costs.

In brief, it is a contentious issue.

A private member's bill establishing such funding procedures at the Board was introduced and proceeded to second reading in 1989. It was reintroduced in late 1990. The 1991 Coopers and Lybrand Consultants report on the administration of the Ontario Municipal Board also proposed that such funding be available for complicated cases. In addition, a recent review of the *Intervenor Funding Project Act* looked favourably on the extension of that piece of legislation to the Ontario Municipal Board.

The Commission believes the current situation creates a hardship for those trying to protect a public interest that is not otherwise adequately represented before the Board. Subject to appropriate controls and criteria, intervenor funding will help the Board make better decisions.

The two difficult issues are determining the types of applications for which intervenor funding should be available; and implementing procedures to ensure cost-effective administration.

All kinds of applications can raise issues of significant public interest. For example, wetlands, important habitat, and agricultural land can all be threatened by applications for plan amendments, plans of subdivision, consents, and rezonings. But significant public interests will not be raised in all cases.

The concern is that whatever criteria are established for awarding intervenor funding, many applications will be submitted. Reviewing these applications could take up a great deal of the Board's time and energy, while resulting in a very small number of such applications being granted.

Appeal hearings for many smaller matters can often happen within a single day, and do not involve significant expenses. The time taken to consider an application for intervenor funding for these cases might almost equal the length of the hearing itself. Intervenor funding applications in these cases would not be administratively efficient.

To avoid this situation, the Commission is recommending that only certain kinds of applications be considered for intervenor funding.

The Commission is recommending that applications for plans and plan amendments, and plans of subdivision which involve a rezoning, be the only applications considered for intervenor funding. In other types of applications where the Board will be assisted by the representation of public interests, the Board should award costs during or after the hearing.

Regarding process, the Commission recommends that application be made only after the procedural meeting, and after the Board has made a decision that an appeal will proceed to mediation or full hearing. This will ensure that applications can be made only in cases where the dispute cannot be resolved easily. Further, the Board should be able to reject an application for funding on the basis of written submissions without a hearing. This will require detailed application forms, which set out the amount of funding requested and how the applicant meets the funding criteria. If the Board does not reject the application, it should establish a funding panel of one or more members of the Board to hold a hearing on eligibility.

Intervenor funding should be awarded to an individual or group in relation to issues that, in the opinion of the Board, affect a significant segment of the public and concern the public interest and not just private interests.

The decision of the Board should be based on the following criteria:

1. the intervenor represents a clearly ascertainable public interest, consistent with provincial policy, that should be represented at the hearing;
2. separate and adequate representation of the interest would assist the Board and contribute substantially to the hearing;
3. the intervenor does not have sufficient financial resources to enable it to represent the interest adequately;
4. the intervenor has made reasonable efforts to raise funding from other sources;
5. the intervenor has demonstrated concern for this issue at the municipal level;
6. the intervenor has attempted to join together with other objectors;
7. the intervenor has a clear proposal for the use of any funds that might be awarded;

8. the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award; and
9. such representation would assist the Board and contribute substantially to the hearing.

If the application is granted, the funding panel should determine the proportion of the intervenor expenses to be covered; and having determined the ability of the party or parties to pay, the source of money for intervenor funding, be it a developer, the municipality, the province, or a government agency.

There will be some delay until legislation is passed establishing a full intervenor-funding program, and in the interim it is important that intervenor funding be available. Since without legislation an order cannot be made requiring funding to be paid, the province should provide funds.

Until legislation is passed, the province should provide $500,000 annually for intervenor support. Administrative systems will be able to be put into place during this period, and experience will be gained in applying intervenor funding to *Planning Act* matters.

The Commission recommends that:

85. The *Planning Act* be amended to permit the Ontario Municipal Board to award intervenor funding on any appeal of a plan, plan amendment, or plan of subdivision which involves a rezoning, which, in the opinion of the Board, affects a significant segment of the public and concerns the public interest and not just private interests. The decision of the Board should be based on the following criteria:

(a) the intervenor represents a clearly ascertainable public interest, consistent with provincial policy, that should be represented at the hearing;
(b) separate and adequate representation of the interest would assist the Board and contribute substantially to the hearing;
(c) the intervenor does not have sufficient financial resources to enable it to represent the interest adequately;
(d) the intervenor has made reasonable efforts to raise funding from other sources;
(e) the intervenor has demonstrated concern for this issue at the municipal level;
(f) the intervenor has attempted to join together with other objectors;
(g) the intervenor has a clear proposal for the use of any funds that might be awarded;
(h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award; and
(i) such representation would assist the Board and contribute substantially to the hearing.

Applications for intervenor funding may not be made until the Board has determined that a full hearing or mediation will take place. The Board may reject an application for intervenor funding without a hearing. In other types of applications where the Board will be assisted by the representation of public interests, the Board should award costs during or after the hearing.

86. Until legislation has been passed permitting the Board to award intervenor funding, the Ministry of Municipal Affairs and Planning provide $500,000 annually to the Board to be used for intervenor funding.

Awarding Costs

Although the existing Act allows the Board to award costs against any party, this power is rarely used. Costs should be awarded in cases where groups or individuals have assisted the Board by representing public interests, and the Board should consider awarding costs in other cases. The Board's authority should also be expanded to include the authority to award interim costs during a hearing.

The Commission recommends that:

87. **The *Planning Act* be amended to permit the Board to award interim costs during a hearing, in addition to its existing power to award costs at the end of a hearing.**

Administration

Backlog As noted, there are considerable delays before the Board is able to arrange for hearings. Clearing up this backlog is crucial to an efficiently functioning planning system.

The Commission believes the pre-hearing procedural meeting approach is an excellent model for dealing with the backlog, and procedural meetings should be instituted as soon as possible for appeals in the system. The Board should be allocated funds for part-time Board members and mediators to help clear this backlog.

Board membership Several matters involving Board membership need to be addressed. First, increased emphasis has been placed on environmental issues and the need for dispute resolution in matters before the Board. Opportunities should be made available to members for more training in these areas. As well, when the government makes appointments to the Board, these new areas of emphasis should be considered in the review of a candidate's skills and background.

Second, the Board must have adequate resources if it is to carry out its mandate. More full-time Board members are not necessarily the answer. Rather, opportunities should exist for appointments of part-time Board members to conduct procedural meetings and mediators to conduct settlement meetings. The Board should maintain a roster of mediators for parties to consider using in settlement discussions. These part-time members and mediators may be based in different centres around the province.

Third, complaints were heard about the lack of Board representation from Northern Ontario, and suggestions were made that the Board be decentralized. However, because of the limited size of the OMB, it would be difficult to regionalize the Board's functions. For administrative purposes, the OMB has recently divided the province into three areas. As the Board works with this new structure, it may find ways of achieving regional and administrative balance. The appointment of part-time members and mediators from the North to deal with preliminary or settlement aspects of Northern appeals may satisfy the concern about representation.

Workload and resources Some submissions expressed concern that because so many new duties were being assigned to the Board, its workload would become unmanageable. They said that without a significant infusion of funds, the Board might not be able to make decisions within a reasonable timeframe.

The Commission is recommending new duties for the Board: reviewing joint-planning disputes and proposing resolutions; hearing appeals of decisions to terminate sewage and water allocations and appeals of projects approved through a Class Environmental Review; and making decisions on applications for intervenor funding. It is unclear how much work will be

involved in these matters or as a result of increased opportunities for appeals of subdivision and consent decisions, which are also being recommended.

At the same time, two recommendations are being been made to moderate the Board's workload: minor variance appeals will no longer be heard by the Board; and procedural meetings will precede hearings. The former should free up about 10 percent of the Board's time now spent on planning matters. The latter, if it works as expected, should reduce the number and length of hearings by narrowing issues and facilitating the possibility of settlement. Together, these recommendations, if implemented, should reduce the Board's workload, decreasing the overall time taken to schedule hearings and render decisions.

The Commission is recommending the appointment of part-time Board members and the use of mediators, and some funds will be required for them to deal with the backlog of appeals. Once the backlog is out of the way, the proposed changes should allow the Board to perform its functions in a timely fashion, without the need for increased resources.

Several submissions asked that the Board be required to hold a hearing within a certain timeframe (say, within nine months of the filing of the appeal) and make a decision on the appeal within a further three months. Ideally, a hearing should be held within four to six months of the filing of an appeal, but the Commission sees great difficulty in ordering such deadlines. The Commission believes its recommendations will result in these timeframes being reached once the current backlog has been cleared.

The Commission recommends that:

88. **The Ontario Municipal Board institute a pre-hearing procedural meeting process to deal with the current backlog of cases before the Board.**

89. **To ensure the Ontario Municipal Board has the necessary resources to carry out its responsibilities:**
    - **(a) In appointing new Board members, the government take into account new areas of concern, such as environmental issues and dispute resolution.**
    - **(b) The government appoint part-time members to the Board.**
    - **(c) The Board maintain a list of mediators for parties to consider using as they attempt to resolve their differences.**
    - **(d) Board members be offered appropriate training in dispute resolution and in environmental and other matters with which the Board deals.**

10 Sewage Treatment and Septics

The treatment of sewage is a major planning problem in Ontario, both in communities with sewage-treatment plants and in communities relying on private, conventional septic systems.

Sewage Treatment

There are 418 provincial and municipal sewage-treatment plants in Ontario, and 80 percent of them are currently operating at capacity. Communities frequently assume these plants are processing sewage adequately, but studies show that up to 25 percent of plants do not meet approved guidelines.

To address these and other water-quality problems, the Ontario government has undertaken the Municipal/Industrial Strategy for Abatement (MISA) program. Implementation has been slow, and regulations for municipalities are still being developed.

The costs for remediating existing sewage-treatment plants are significant. These costs are difficult to determine precisely, but over the past few years $700 million has been spent by the province and municipalities in Ontario for the remediation and expansion of existing water and sewage infrastructure, and for new facilities. The province contributes about one-fifth of that amount. Estimates suggest that, for a 20-year period, this sum would have to be doubled to ensure problems are reasonably addressed. In 1993, the province announced the expenditure of $258 million of its funds on these matters over the next four years.

In the United States, predictions are that the combined operating and capital costs of sewage treatment will increase elevenfold (on a per capita basis) within 20 years to meet the standards required by the U.S. *Federal Water Pollution Control Act*. In Ontario, increases will be more modest, perhaps tripling current figures.

A number of the Commission's recommendations will help ensure existing facilities are more efficiently used. Water conservation policies, legislated requirements for studies on a watershed basis, and studies addressing infrastructure in municipal plans are recommended and should lead to improvements.

For example, few municipalities on full services now pursue water conservation policies. Some do not meter water, even though evidence suggests that metering reduces consumption by 25 percent. Only a few municipalities are encouraging low-flow toilets and water-saving devices in showers and toilets, and in the kitchen. Municipal policies and programs to conserve water, as would be required by the recommended provincial policy statement, will help reduce demand on existing water and sewage-treatment plants.

The MISA program is soon to move from the study to the implementation phase, and there is little new to recommend in this area. MISA regulations should be put in place quickly and implementation should be speedy, consistent, and appropriately funded.

Where it is clear a municipality does not have demonstrated capacity to service additional development, development should not be permitted to proceed.

Septics

In Ontario, there are one million conventional septic systems. There is increasing evidence of contamination of both ground and surface water as a result of their use. In low-density situations, such as for individual farms or large holdings, septics appear to work satisfactorily if the systems are properly designed, constructed, used, and maintained.

Septics are generally good at treating moderate amounts of human waste, but reliability depends on proper use, maintenance, and pump-outs, as well as appropriate soil conditions. In principle, if conditions and use are appropriate, the system will work very well and process the sewage in ways that do not result in threats to human health or the environment. However, problems are now becoming apparent when too many systems are located close together on relatively small lots, and in-house uses such as dishwashers, clothes washers, and whirlpool baths increase the volume of water and chemicals entering and leaving the system.

In 1990, the Ministry of the Environment inspected 9067 systems province-wide, of which 34 percent were found to be malfunctioning. Ministry studies in Haliburton and in Muskoka found one-third of the systems were designed to current standards and worked properly, one-third were designed below standards, and one-third were classifiable as a public-health nuisance.

Many suggestions made to the Commission to address septic problems concerned management and use. Among these suggestions: more should be done to educate owners of existing systems about proper use and potential problems and to ensure systems are properly maintained; inspections and pump-outs should occur regularly; inspections should be mandatory when houses using septics are sold; and use permits should be time-limited, based on the life-expectancy of the system.

There have also been useful suggestions about alternative systems, which include the compost toilet, the RUCK system, greenhouse systems, and engineered sand-filter systems. Communal treatment facilities, which serve a number of users, are also available. These and other technologies may be substitutes for the conventional septic system, but further research and development is needed to determine their suitability for Ontario and standards for operation.

Inspections and the issuance of permits for private and communal systems are responsibilities of the Ministry of the Environment and Energy, and that ministry should continue to set standards for installation and operation. The ministry should continue to be responsible for licensing septic installers and septage haulers, and should institute training programs for them and for inspectors.

The regular inspection of private and communal septic systems, after installation, should also be required. This should be the responsibility of the Ministry of the Environment and Energy. However, that ministry should consider entering into agreements permitting county and regional governments, their health units, or conservation authorities, or, where no upper tier exists, municipalities — provided all have the appropriate expertise — to assume the responsibility for inspections and for the issuance of permits for installation. The Ministry of the Environment and Energy and its agents should be permitted to charge septic owners a fee to cover the costs of inspections on a user-pay basis, to be collected with property taxes.

Complaints have been received that some septic systems are installed without the installer seeking the necessary approvals. The danger in these situations is that the installation will be faulty, and a water course or the groundwater will become polluted. To control illegal installations, the province should institute a system whereby septic tanks may not be sold without the purchaser obtaining a certificate of approval from the province or its agent and showing it to the seller of the septic tank. This system will permit the province or its agent to inspect all sites before installation as well as during and after installation. Ensuring proper installation will considerably reduce the likelihood of failure.

Private septics should be inspected regularly for three

purposes: to determine the physical soundness of the system; to ascertain that the system meets current standards for use; and to determine whether or not there is a need for a pump-out. Once an inspection program is devised, with the user fee in place and trained inspectors available, the first priority for inspection should be systems installed before 1975, when the province imposed the most recent set of standards. Once these inspections are completed in an area, all other septic systems should be inspected at least once every five years.

Pump-outs should occur regularly, although how often that should be depends on the use of the system as determined by the inspection. The province should require proof that systems are inspected regularly.

Facilities must be available for septage disposal. In Southern Ontario, regions and counties should provide these facilities; in Northern Ontario, it should be a responsibility of the Ministry of the Environment and Energy.

Many submissions noted that better education of owners is critical to ensuring septic systems are used correctly. The Ministry of the Environment and Energy should devise and undertake an education program.

As noted, further research is needed to test and approve alternative systems, and to learn more about how septics function. It would be unrealistic to expect the Ministry of the Environment and Energy to be able to fund such research on its own, but by working with universities, colleges, municipalities, and the private sector, it can accomplish a great deal. The Ministry should bring appropriate parties together and take the lead in establishing an ongoing research and development program into sewage-treatment matters in Ontario.

In addition, information should be developed on the level of financial guarantees needed to address issues of capital replacement, maintenance, and liability for communal systems. The Ministry of the Environment and Energy should develop this information in consultation with municipalities, working through the Association of Municipalities of Ontario.

Private Wells

In many cases, those who use private septic systems also use private wells. In such cases, wells should be inspected at the same time as septics are inspected. There should be three parts to this inspection: taking a water sample to evaluate water quality; examining the location of the well in relation to the septic bed and other site sources of contamination; and checking the soundness of the wellhead to determine that no surface water or other contaminants are running into the well.

In addition to environmental concerns about contamination of groundwater from septic systems, more general concerns have been expressed about well water quality and the lack of inspection of wells.

The Commission recommends that:

90. The Ministry of the Environment and Energy continue to be responsible for inspections and the issuance of permits for private and communal systems, for setting standards for installation and operation, and for licensing septic installers and septage haulers. The Ministry of the Environment and Energy should institute training programs for installers, septage haulers, and inspectors.

91. The Ministry of the Environment and Energy be responsible for regular inspection of private and communal septic systems every five years. Where septic users have private wells, these should be inspected at the same time. The Ministry of the Environment and Energy should consider entering into agreements assigning responsibility for inspections and issuance of permits to regional and county governments, their health units, or conservation authorities, or, where no upper tier exists, to municipalities, provided all have the appropriate expertise. The first priority for inspection should be septic systems installed before 1975.

92. The Ministry of the Environment and Energy and its agents be permitted to charge septic and private well owners a fee to cover the costs of inspections on a user-pay basis, to be collected with property taxes.

93. The Ministry of the Environment and Energy institute a system whereby septic tanks may not be sold without the purchaser obtaining a certificate of approval and showing it to the seller of the septic tank.

94. Regions and counties be required to provide facilities for septage disposal. In Northern Ontario, this should be the responsibility of the Ministry of the Environment and Energy.

95. To improve the information available on different kinds of sewage systems, the Ministry of the Environment and Energy:
    (a) Devise and undertake a program to educate owners on the proper use and care of septic systems.
    (b) Establish an ongoing research and development program into sewage-treatment questions in Ontario.
    (c) In consultation with municipalities and the Association of Municipalities of Ontario, develop information concerning the level of financial guarantees needed to address issues of capital replacement, maintenance, and liability for communal systems.

11 Streamlining

Many people who made submissions were concerned that the Commission's intention of creating a more timely and efficient planning system would not be realized. They feared the result of requiring better planning would be further delay and more gridlock in decision-making, with ensuing negative economic consequences.

The Commission has been firm in its desire to create a more timely process, and has made recommendations specifically addressing the timing issues.

There are three specific aspects to the planning approval process: municipal decisions; provincial decisions; and appeals to the Ontario Municipal Board. Timeframes are recommended for each, and in the case of municipal and provincial decisions, the recommendations are that timeframes be set in legislation. The Commission has also addressed larger, more general issues in an effort to streamline the process.

General Issues

Recommendations in three major areas will help resolve problems that now cause delay:

- Provincial policies will set a general framework and direction for planning decisions, so there will be a clear basis for determining what is "good planning." (See Recommendations 3 and 9.)
- Legislative requirements will spell out issues to be addressed in the municipal plan, so municipalities will plan in advance rather than decide on larger issues on a case-by-case basis as applications are filed. (See Recommendations 32 and 35.)
- Municipalities will be given a stronger and clearer role in the planning process, with upper-tier municipalities given greater ability to make decisions on such matters as plans of subdivision. (See Recommendation 59.)

Currently, these three areas are not addressed reasonably in the planning system. Without a comprehensive set of provincial policy statements, it is difficult for developers, residents, and provincial and municipal staff to know what the expectations are. Much time is now spent (particularly in public processes) attempting to agree on what is "good planning." If analysis of basic information on watershed studies, mapping of natural features and resources, and infrastructure planning is done at the plan stage, the consideration of development applications can proceed in a more expeditious fashion.

Municipalities

Three major changes will create timeliness of decision-making at the municipal level:

- If municipal decisions on applications for plan amendments and plans of subdivision are not made within six months of the receipt of a completed application, appeal may be made by the applicant to the Ontario Municipal Board for independent determination. (See Recommendations 49(b) and 57(d).)
- If it is clear at an early stage that the municipality is not dealing with an application for a plan amendment or plan of subdivision in a timely fashion, application may be made to the Ontario Municipal Board to shorten the six-month period. (See Recommendations 49(c) and 57(d).)
- If municipal decisions on applications for consents, rezonings, and development permits are not made within 90 days, appeal may be made by the applicant to the Ontario Municipal Board for independent determination. (See Recommendations 57(d), 61, and 67.)

No change is suggested in the 30-day period set in current legislation for considering applications for site plans.

Establishing reasonable periods for applications to be considered by the municipality or planning board is a good first step in ensuring timeliness. Some councils now take considerably longer, but these timeframes should be generally sufficient to permit the public, staff, and councillors to review matters and make a fair determination on most cases. The currently legislated 30-day timeframe for applications for plan amendments and rezonings is totally unworkable, since council is unable to obtain a completed application, undertake appropriate studies and review, and permit the most rudimentary public consultation in such a short period. No timeframe is set out in current legislation for consents. The Commission recommends one.

Where major plan amendment applications challenge the very basis of the municipal plan — by asking for densities far beyond those contemplated in the plan, or for development on land not included within the settlement envelope — the Commission is recommending that municipalities may decide either to consider such applications as premature and appropriate only at the plan review stage, or to reject such applications without undertaking substantial studies. Municipal plans should have some certainty, and applicants should not be permitted to force municipalities to rethink basic plan ideas at their whim.

The Province

Three major changes that will create timeliness in the provincial decisions are:

- If provincial decisions are not made within six months of receipt of notice of the adoption of a plan or a plan amendment by a municipality or of a completed application, appeal may be made by the applicant or municipality to the Ontario Municipal Board for independent determination. (See Recommendation 22.)
- Administrative changes are suggested that decentralize decision-making to staff at a regional level, and that ensure coordination among ministries. (See Recommendations 19, 20, and 21.)
- Many provincial decisions are recommended to be delegated to regions, counties, separated municipalities, cities in the North, planning boards, and planning authorities. (See Recommendations 41 and 59.)

Many submissions complained that decisions languish at the provincial level for a long time — a year or two, and in some cases even longer — before the province deals with them. The opportunity to appeal after six months will make a significant change, as will increased delegations to the municipal level. The six-month timeframe also applies to regions and counties that have been delegated approval authority for lower-tier plans and plan amendments.

The Ontario Municipal Board

Three major changes are recommended so that more timely decisions can be made on appeals:

- The Ontario Municipal Board should hold a procedural meeting of all parties within 30 days of receiving an appeal, and this process should also be used to address the backlog. (See Recommendations 82 and 88.)
- The Board should have the authority, in all cases where at the procedural meeting it seems there are insufficient grounds for a full hearing, to order a summary hearing. (See Recommendation 83.)
- The Board should help with mediation, require parties to exchange information, and narrow issues before any hearing is held. (See Recommendations 82 and 89.)

Appeals to the Ontario Municipal Board can now take 12 to 18 months before a hearing is held, and then another few months before a decision is released. While procedural meetings will not resolve all disputes, Board powers to call a summary hearing or draw the parties together will result in much more timely resolutions and shorter hearings. Further, a comprehensive set of provincial policy statements will give clearer direction to the Board in resolving disputes and making decisions.

Economic Effects

A number of submissions urged that the Commission undertake an economic analysis of its recommendations.

The Commission believes an economic analysis of the proposals to create a more timely process would not be worthwhile. The Commission's recommendations for timeframes are straightforward and clear for everyone to see. They are bound to have a positive economic impact on the process.

As discussed in Chapter 4, The Provincial Role, in the section on the Cost of Planning, it is difficult to assign a dollar figure to the costs to municipalities of legislated planning requirements. Many municipalities are now undertaking this kind of planning, and proposals to allow municipalities to pool resources to undertake planning will make for an efficient use of limited funds. The cost of not doing this basic planning is much higher in the long run for everyone — developers, municipalities, and taxpayers.

12
Implementing This Report

Numerous recommendations for improving the planning process are contained in this Report. The Commission recognizes that the recommendations cannot all be implemented at once, and that further consultation is needed on some.

It is, however, important to move as quickly as possible to make improvements in the planning system — to improve its timeliness and to ensure environmental matters are properly considered. There have already been two years of extensive discussion and consultation on these issues.

This chapter sets out the Commission's recommended steps for implementing the changes recommended in the Report. It is important to phase in the changes in a practical manner that provides predictability and reliability for everyone involved.

Three different kinds of reform are being recommended: administrative, policy, and legislative. Administrative reform can begin almost immediately. Policy changes require further public consultation and then can be implemented under existing legislation. Legislative changes must be drafted, and then they are subject to the process of the Legislature.

Administrative Reform

Administrative reforms are the easiest changes to make, at least in theory. They can be made by the government and its agencies without a great deal of delay and without substantial additional consultation. Reforms to planning administration should be made as quickly as possible.

The government should consider the recommendations for administrative change contained in this Report and decide on those changes it wishes to immediately proceed with. The following outlines a number of administrative improvements, recommended earlier in this Report, which the Commission thinks should be given early consideration.

The Ministry of Municipal Affairs should be restructured to reflect the new functions recommended in Chapter 4, The Provincial Role, and renamed the Ministry of Municipal Affairs and Planning. As a first step, the Minister of Municipal Affairs and Planning should consult with other ministries and other appropriate interests, and establish the regional planning review committees. Planning approval powers should be delegated to the Ministry of Municipal Affairs and Planning staff on these committees. These committees should discuss procedures with municipalities served, including the selection of a municipal staff member to serve on the committee, screening mechanisms, and timeframes for decisions.

In addition to delegations already made, once a comprehensive set of planning policies has been adopted by the government, the Minister of Municipal Affairs and Planning should delegate to all those regions, counties, separated municipalities, and cities in the North that have an official plan and are advised by a qualified planner, approval authority for plans and plan amendments of lower tiers (where relevant), and plans of subdivision. No further delegations to planning boards should occur until decisions have been made about boundaries and areas.

Pending decisions on the legislative amendments recommended by the Commission, the Minister of Municipal Affairs and Planning should agree that, as a matter of practice, where no ministerial decision is forthcoming within six months of submission

of a completed application for approval, the matter will be referred to the Ontario Municipal Board at the request of the applicant or the municipality as appropriate. A similar practice should be instituted for upper-tier consideration of lower-tier plans.

The province should establish the grant programs recommended in Chapter 4 for new county plans, planning boards, and watershed studies.

Ministries should clarify and publish the standards, criteria, and/or guidelines used to judge applications for permits and licences and other technical approvals. Agreements should be worked out between relevant ministries and municipalities capable of assuming such powers. Such agreements would give these bodies approval authority for applications meeting such standards, criteria, and guidelines, and for peer review of more complicated matters.

The Ontario Municipal Board should be asked to establish procedural meeting mechanisms to deal with both new cases and backlogged cases, and begin training members on mediation techniques and other skills needed to chair procedural meetings. The government should appoint part-time members to the Board.

Pending legislation for the full intervenor-funding program recommended by the Commission in Chapter 9, Conflicts, Disputes, and Appeals, the Ministry of Municipal Affairs and Planning should provide an interim fund of $500,000 a year for intervenor funding at the Ontario Municipal Board.

After reasonable consultation with affected Northern Ontario interest groups, the Minister of Municipal Affairs and Planning should appoint committees — at least one for Northeastern Ontario, and one for Northwestern Ontario — to make recommendations on planning board areas and boundaries, consistent with the recommendations in the Report. These committees should be asked to report within six months of being appointed.

Once the committees have reported, the Minister should consider the recommendations for new planning boards and for expansion or change to existing boards. When planning boards have an approved plan and are advised by a qualified planner, the Minister should delegate to those boards approval authority for plans and plan amendments of municipalities within the boards, for plans of subdivision, and for consents.

A protocol or agreement should be developed by the government to give affected and other interested Aboriginal communities notice of development proposals for, or changes in use or tenure of, provincially owned land.

The Interministerial Planning Committee should be formally constituted and its mandate approved. Its first priority should be to assist the Minister of Municipal Affairs and Planning in adopting a comprehensive set of provincial policies.

Policy Reform

The Commission has noted that before a comprehensive set of provincial policy statements is adopted, there should be opportunities for further public comment.

It is important that the further public comment not simply be on the Commission's policy recommendations. Rather, it should focus on a set of policies which the government itself has indicated it wishes to adopt. Thus, the government should consider the Commission's policy recommendations, and endorse for consultation purposes a policy package that will be available for further public discussion.

The endorsed policy package should be given wide distribution, and a consultation period of three months should be established. Given the great number of responses received by the Commission to the Draft Report, it is reasonable to expect a deluge of submissions, which will take two months to analyse and decide upon.

For consultation to occur and responses to be analysed, about six months will be required. It is most important that a comprehensive set of provincial policy statements be adopted as soon as possible to provide appropriate direction to provincial staff, the Ontario Municipal Board, municipalities, developers, and the public. The Commission suggests that the government aim for the policy package to be in place by the end of 1993.

These policies should replace the four existing policies, the Food Land Guidelines, and the Growth and Settlement Policy Guidelines. Other policy guidelines should be amended to be consistent with the comprehensive set of provincial policies and be advisory only. Existing implementation guidelines for policies under the *Planning Act* should also remain advisory only. New implementation guidelines for policy statements should be developed with public input, but the adoption of the comprehensive set of provincial policy statements should not be delayed while guidelines are being prepared.

Legislative Reform

Legislation is required in order to put a number of the Commission's recommendations into effect. After the Cabinet has considered the Final Report and has made decisions on the legislative amendments it wants to proceed with, it should direct the development of a draft bill that could be used for consultation purposes. This bill should be circulated for comment for a period of about 90 days. Comments received during that period should be the basis for re-drafting legislation, and a bill should be introduced. After it has been given second reading, there should be the opportunity of further public comment at the committee stage. This will likely result in further amendments, leading to third reading and proclamation in 1994.

The Commission recommends that:

96. The government take immediate steps to consider and act on the following recommendations for administrative changes contained in this Report:

(a) The Ministry of Municipal Affairs be restructured and renamed the Ministry of Municipal Affairs and Planning.

(b) The Minister of Municipal Affairs and Planning, after consultation with ministries and other interests, establish regional planning review committees and delegate the planning approval powers of the Minister to the appropriate ministry staff on these committees.

(c) In addition to delegations already made, once a comprehensive set of planning policies has been adopted by the government, the Minister of Municipal Affairs and Planning delegate to those regions, counties, separated municipalities, and cities in the North that have an official plan and are advised by a qualified planner, approval authority for plans and plan amendments of lower tiers (where relevant), and plans of subdivision.

(d) Pending any legislative amendments, the Minister of Municipal Affairs and Planning agree that, as a matter of practice, where no ministerial decision is forthcoming within six months of submission of a completed application for approval, the matter will be referred to the Ontario Municipal Board at the request of the applicant or the municipality. Upper-tier governments should be requested to agree to a similar procedure for lower-tier approvals for which they are responsible.

(e) The government establish the grant programs recommended in this Report for new county plans, planning boards, and watershed studies.

(f) Ministries clarify and publish the standards, criteria, and/or guidelines used to judge applications for permits, licences, and other technical approvals and transfer approval authority, by agreement, to municipalities capable of assuming such powers. Such agreements should include provision for peer review of more complicated matters.

(g) The Ontario Municipal Board be requested to establish the recommended procedural meeting mechanisms to deal with both new cases and backlogged cases, to establish procedures for mediation, and to provide training on mediation techniques and other skills needed by members to chair procedural meetings.

(h) The government appoint part-time members to the Ontario Municipal Board.

(i) Pending legislation, the Ministry of Municipal Affairs and Planning provide an interim fund of $500,000 a year for intervenor funding at the Ontario Municipal Board.

(j) After consultation with affected interest groups, the Minister of Municipal Affairs and Planning appoint committees — at least one for Northeastern Ontario and one for Northwestern Ontario — to make recommendations on planning board areas and boundaries. These committees should be requested to report within six months of being appointed. Once the committees have reported, the recommendations for new planning boards and expansion and/or change to existing boards should be implemented. After this occurs, and once a comprehensive set of planning policies has been adopted by the government, the Minister should delegate to planning boards with an approved plan and which are advised by a qualified planner, approval authority for plans and plan amendments of municipalities within the planning board, and for plans of subdivision and consents.

(k) The government develop a protocol or agreement to give affected and other interested Aboriginal communities notice of development proposals for, or changes in use or tenure of, provincially owned land.

(l) The Interministerial Planning Committee be formally constituted and its mandate approved, with a first priority to assist the Minister of Municipal Affairs and Planning in adopting a comprehensive set of provincial policies.

97. The government consider the policy recommendations contained in this Report and endorse for consultation purposes a comprehensive set of provincial policy statements, which should be widely circulated for comment for a period of three months. The government should set a goal of formally adopting a comprehensive set of provincial policy statements under section 3 of the *Planning Act* before the end of 1993.

98. The government consider the recommendations for legislative amendments contained in this Report and prepare a draft bill, which should be widely circulated for comment for a period of three months. Subsequently, after a re-drafted bill has been introduced in the Legislature, the public should be given the further opportunity to comment at the committee stage. The government should set a goal of enacting the *Planning Act* amendments in 1994.

13 Recommendations

The Purposes of Planning

The Commission recommends that:

1. The *Planning Act* be amended to state that the purposes of the Act are to guide land-use change in a manner that:
   (a) fosters economic, environmental, cultural, physical, and social well-being; and
   (b) protects and conserves the natural environment and conserves and manages natural resources for the benefit of present and future generations; and
   (c) provides for planning processes that are fair, open, accessible, accountable, timely, and efficient; and
   (d) encourages cooperation and coordination among differing interests.

2. Section 2 of the *Planning Act* be amended to provide that, in exercising powers under the Act, the council of every municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, shall have regard to, among other things, such matters of provincial interest as:
   (a) the protection of ecosystems, including natural features and functions;
   (b) the protection of the agricultural resource base of the province;
   (c) the conservation and management of natural resources and the mineral resource base;
   (d) the protection and conservation of heritage features of significant architectural, cultural, historical, archaeological or scientific interest;
   (e) the supply, efficient use and conservation of energy and water;
   (f) the adequate provision and efficient use of communication, transportation, sewer, water, and waste-management services;
   (g) the minimization of waste;
   (h) the orderly development of safe and healthy communities;
   (i) the adequate provision and equitable distribution of educational, health, social and recreational facilities and programs;
   (j) the adequate provision of a wide variety of housing;
   (k) the adequate provision and distribution of employment opportunities;
   (l) the protection of the financial and economic well-being of the province and its municipalities;
   (m) the coordination of planning activities of public bodies and private interests;
   (n) the effective and efficient resolution of planning conflicts.

Provincial Policy Statements

The Commission recommends that:

3. To provide clarity and consistency in the definition of provincial interests in planning:
   (a) The province adopt a comprehensive set of policy statements under section 3 of the *Planning Act*.
   (b) This comprehensive set of policy statements replace the four existing policies under section 3, namely the Mineral Aggregate Resources Policy, the Flood Plain Planning Policy, the Land Use Planning for Housing Policy, and the Wetlands Policy.
   (c) This comprehensive set of policy statements replace the Food Land Guidelines and the Growth and Settlement Policy Guidelines.
   (d) After the comprehensive set of policy statements has been adopted, any new implementation guidelines be developed with public input.
   (e) All existing guidelines be made consistent with the comprehensive set of provincial policy statements and remain advisory only.

4. The *Planning Act* be amended to provide that in exercising any authority that affects any planning matter, the council of every municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, *shall be consistent with* policies adopted under the Act.

5. The *Planning Act* be amended to require that the proposed Minister of Municipal Affairs and Planning give consideration every five years to whether there is need for revision of provincial policy statements.

6. The province engage in negotiations with the federal government to allow individuals to claim the full value of land or of interests in land donated to approved non-profit corporations or trusts as an income tax credit, and to ensure that such gifts can be made without triggering capital gains tax.

7. The Ministry of Municipal Affairs and Planning undertake research on the cost and benefit of different development forms and settlement patterns, and provide municipalities with advice on methods of assessing the fiscal impact of development options and proposals.

8. To address outstanding issues related to mineral aggregate resource operations, the Ministry of Natural Resources, in consultation with municipalities, the industry, and others:
   (a) Determine the sequence for extraction of primary aggregate resources.
   (b) Develop strategies for dealing with contravention of the *Aggregate Resources Act* and the enforcement of aggregate licence conditions and wayside pit permits.
   (c) Review the amount of fees assessed against aggregate operations and the proportion allocated to municipalities.

9. The following comprehensive set of policy statements be adopted by the province, after further consultation, under section 3 of the *Planning Act*.

A. Natural Heritage and Ecosystem Protection and Restoration Policies

Goal: To protect the quality and integrity of ecosystems, including air, water, land, and biota; and, where quality and integrity have been diminished, to restore or remediate to healthy conditions.

1. Development may be permitted only if the quantity and quality of water in ground- and surface-water systems are not impaired in the short and long term.

2. Development shall not be permitted in significant ravines, river, stream, and natural corridors, and in the habitat of endangered, threatened and vulnerable species. Development shall not be permitted in significant woodlots south of the northern boundaries of the District Municipality of Muskoka, and the counties of Haliburton, Hastings, Lennox and Addington, Frontenac, and Lanark. Development shall not be permitted on adjacent and related lands if it adversely affects the integrity of the natural features or ecological functions of the areas included in this statement. New infrastructure shall be located outside of these significant features unless it is demonstrated there is no reasonable alternative.

3. In the Great Lakes – St. Lawrence Region, development shall not be permitted within provincially significant wetlands. On adjacent lands, development may be permitted only if it does not result in any of the following: loss of wetland functions; subsequent demand for future development that will have an adverse effect on existing wetland functions; conflict with existing site-specific wetland management practices; and loss of contiguous wetland area. This shall be demonstrated by an environmental impact study (EIS) prepared in accordance with established procedures and carried out by a proponent addressing all these issues. On adjacent lands, established agricultural activities are permitted without an EIS.

In the Boreal Region, development may be permitted in provincially significant wetlands and adjacent lands only if it does not result in any of the following: loss of wetland functions; subsequent demand for future development that will have an adverse effect on existing wetland functions; and conflict with existing site-specific wetland management practices. This shall be demonstrated by an environmental impact study (EIS) prepared in accordance with established procedures, and carried out by a proponent, addressing all these issues. On adjacent lands, established agricultural activities are permitted without an EIS.

New infrastructure shall be located outside provincially significant wetlands unless it is demonstrated there is no reasonable alternative. Approval authorities shall consider alternative methods and measures for minimizing impacts on wetland functions when reviewing proposals to construct transportation, communications, sanitation, and other such infrastructure in provincially significant wetlands.

4. Except for areas covered in policies A2 and A3, areas of natural and scientific interest, groundwater recharge areas, significant wildlife habitat, and shorelines will be classified into areas where either (a) no development is permitted or (b) development may be permitted only if it does not adversely affect the features and functions for which the area is identified. In the Great Lakes – St. Lawrence Region, locally significant wetlands will be classified into areas where either (a) no development is permitted or (b) development may be permitted only if it does not adversely affect these wetland functions.

5. Except for areas covered in policies A2 and A3, development on lands adjacent to lakes, rivers, and streams may be permitted only if it does not impair water quality or adversely affect shoreline vegetation, bank stability, and wildlife habitat.

6. Development may be permitted only if there are no adverse effects on, or is no net loss of, fish habitat within the same watercourse.

7. Development shall not be permitted in the floodway of a defined storm, or in the flood plain where the floodway is not defined, except with the consent of, or in special policy areas approved by, the Ministry of Natural Resources or a conservation authority. Where development is permitted in the flood fringe, structures may be permitted only if protected by floodproofing actions appropriate to the purpose for which the structure is used, including the ingress and egress of vehicles and pedestrians during times of flooding.

8. Development on lands adjacent to the Great Lakes and their connecting channels and the St. Lawrence River shorelines shall not be permitted within areas susceptible to 100-year flood levels and 100-year erosion limits unless mitigative measures have been taken to address flood, erosion, and related hazards.

9. Development may be permitted on hazardous sites only if it does not present a risk to public safety, public health, and property.

10. The need to remediate contaminated air, water, and soil, their systems, and contaminated sites will be determined, and an appropriate plan for site remediation will be approved and implemented, before above-grade building permits are issued.

11. In decisions regarding development, every opportunity will be taken to: improve the quality of air, land, water, and biota; maintain and enhance biodiversity compatible with indigenous natural systems; and protect, restore, and establish natural links and corridors.

B. Community Development and Infrastructure Policies

Goal: To manage growth and change to foster communities that are socially, economically, environmentally, and culturally healthy, and that make efficient use of land, new and existing infrastructure, and public services and facilities.

1. Social and human needs will be addressed by an adequate distribution of facilities and services available to residents diverse in ability, age, income, and culture.
2. Public streets and places used by the public will be planned to meet the needs of pedestrians and be designed to be safe, vibrant, and accessible to all, including the disabled.
3. The well-being of downtowns and main streets will be fostered.
4. To encourage economic opportunities that enhance job possibilities and broaden the economic base of communities, a supply of zoned land will be maintained sufficient to meet anticipated needs.
5. Communities will be planned to minimize the consumption of land, promote the efficient use of infrastructure and public service facilities, and, where transit systems exist or may be introduced in the future, promote the use of public transit.
6. The efficiency of transportation systems shall be maximized by coordinating transportation plans with those of other relevant jurisdictions, integrating transportation modes, and making optimal use of existing transportation systems before proceeding with system expansion.
7. In existing built-up areas served by public sewage and water systems, intensification and mixed uses will be encouraged by appropriate land-use designations and zoning.
8. Extensions to built-up areas served by public sewage and water systems may be permitted only if the following conditions are met:
   (a) new development areas are logical extensions of the existing built-up areas, and will be served by public sewage and water systems; and
   (b) a strategy for the development, staging, and financing of the infrastructure for the extension is adopted; and
   (c) opportunities for the efficient use of land, infrastructure, and public service facilities through intensification and mixed uses in existing built-up areas are provided; and
   (d) the extension will have a compact form and a mix of uses and densities that efficiently use land, infrastructure, and public service facilities; and
   (e) if the extension is to include quality agricultural land, it is demonstrated there is no reasonable alternative to accommodating the growth anticipated.
9. Extensions to built-up areas not served by public sewage may be permitted only if the following conditions are met:
   (a) new development areas are logical extensions of the existing built-up areas; and
   (b) the long-term adequacy of private on-site or public or communal systems of water supply and sewage treatment is demonstrated; and
   (c) a strategy for the development, staging, and financing of any needed infrastructure and public service facilities for the extension is adopted; and
   (d) the extension will have a compact form and densities and uses appropriate to the water and sewage systems proposed; and
   (e) if the extension is to include quality agricultural land, it is demonstrated there is no reasonable alternative to accommodating the growth anticipated.

10. In recreational and rural areas other than quality agricultural areas, development that is not an extension of the built-up areas of communities may be permitted only if the following conditions are met:
    (a) rural and recreational characteristics are defined and policies to protect those characteristics are set out in the municipal plan; and
    (b) the cumulative impacts of development on rural and recreational characteristics and on natural features and functions are assessed and are acceptable; and
    (c) the long-term adequacy of private on-site or public or private communal systems of water supply and sewage treatment is demonstrated; and
    (d) the long-term public costs of reasonably expected infrastructure and public services and public service facilities are assessed and are acceptable.
11. Reasonable public access to public land and water bodies will be maintained or provided.
12. Policies and decisions regarding infrastructure and development will respect and conserve significant landscapes, vistas, ridge-lines, and areas of natural beauty.
13. Policies and decisions regarding infrastructure and development will respect and conserve significant cultural and historical patterns, built heritage, and cultural resources.
14. On lands containing significant archaeological heritage, development shall not be permitted where, by its nature, the resource must be preserved on site to ensure its heritage integrity. In other cases, development may be permitted if the site is studied and significant archaeological heritage is catalogued, analysed, and removed by licensed archaeologists prior to development.
15. The continuous linear characteristics of significant transportation and infrastructure corridors and rights-of-way, including abandoned railway corridors, will be protected.
16. New permanent town sites shall not be permitted in areas without municipal organization, and development in areas without municipal organization will generally be restricted. New permanent town sites shall not be permitted for the purposes of resource extraction.
17. Development will be planned to minimize the impact of noise, odour, and other contaminants generated by major facilities such as airports, transportation corridors, sewage-treatment facilities, waste sites, industries, and aggregate activities, on sensitive uses such as residences, hospitals, and schools.

C. Housing Policies

Goal: To provide opportunities in each municipality for the creation of housing that is affordable, accessible, adequate, and appropriate to the full income and age range of present and expected future households.

1. The opportunity for a full range of housing types to accommodate households diverse in ability, age, and income will be provided in all communities served by public sewage and water systems.
2. The area used to determine housing needs in relation to number of units and affordability is the same as the geographical boundary of the upper-tier municipality, separated municipality, city in the North, planning board, or planning authority. Where the urban area extends over those boundaries, then the area used will incorporate the larger geographical boundary.
3. (a) Opportunities will be provided so that at least 30 percent of new units created through residential intensification and development will be affordable to households in the lowest 60th percentile of household income distribution in the area.
   (b) In large-scale housing development projects, such opportunities will be provided.
   (c) Innovative development and redevelopment, small-scale intensification, residential conversion, and government programs will be used, where possible, to create opportunities for half of the housing provided through Policy C3(a) to be affordable to households in the lowest 30th percentile of household income distribution.
4. Where land owned by the provincial government is declared surplus and development for housing is proposed, the province will create the opportunity for the development of affordable housing. Small sites will be dedicated to not-for-profit housing; large sites will serve a broader income range.
5. A sufficient supply of land designated for residential redevelopment or development will be maintained to allow for the provision of a full range of housing to meet present and future housing needs. Municipalities served by public sewage and water systems will maintain at least a three-year supply of zoned land and a ten-year supply of land designated for residential redevelopment or development.

D. Agricultural Land Policies

Goal: To protect quality agricultural areas for long-term agricultural use.

1. Quality agricultural areas will be protected for agricultural use, except as noted herein. Other agricultural areas may also be protected.
2. Extensions of communities that include quality agricultural lands may be permitted if the conditions outlined in policies B8 and B9 are met.
3. Infrastructure and public service facilities shall be located outside quality agricultural areas unless it is demonstrated there is no reasonable alternative.
4. Lot creation in quality agricultural areas may be permitted only for primary agricultural uses, infrastructure, public service facilities, or residences surplus to farming operations as a result of farm consolidation.
5. Separation distances in agricultural areas between new development and existing uses will be adequate to ensure no adverse effects from odour, dust, noise, and light generated by primary agricultural uses.

E. Conservation Policies

Goal: To pursue energy conservation, water conservation, and the reduction, re-use, and recycling of waste.

1. Patterns of land use and development will be planned and modified to best promote efficiency of energy and water use and reduce per capita consumption.
2. Water and energy conservation and waste minimization measures will be incorporated into the siting and design of landscaping, infrastructure, and buildings.
3. Patterns of land use and development will be planned and modified to encourage the most efficient modes of transportation and to reduce the need for private automobile use in daily life.
4. Transportation systems in urban areas will be designed to give priority to energy-efficient low-polluting travel, including priority to walking, bicycling, and public transit, where appropriate.
5. The built environment and its embodied energy and resources will be conserved, where possible, through re-use, recycling, and renovation.

F. Non-renewable Resources Policies

Goal: To protect non-renewable resource operations, significant deposits of non-renewable resources (including mineral aggregates, minerals, and petroleum resources), and areas of significant non-renewable resource potential for resource use.

1. Existing non-renewable resource operations, significant deposits of non-renewable resources, and areas of significant non-renewable resource potential will be protected from incompatible uses.
2. In areas of significant non-renewable resource potential, uses that do not preclude future access to and development of these potential resources may be permitted.
3. Development on lands adjacent to existing operations and areas of significant known deposits of non-renewable resources will be permitted, provided the development does not preclude continuation of the existing operations, does not preclude development of the remaining resource, and addresses issues of potential public health and safety.
4. Development may be permitted in areas of significant known deposits of non-renewable resources where extraction is not feasible; or where existing or proposed uses serve a greater long-term interest of the general public than does access or extraction; or where it would not significantly preclude or hinder future extraction.
5. Rehabilitation of non-renewable resource lands will be required after extraction. In areas of quality agricultural land, rehabilitation will be carried out to achieve substantially the same land area and soil capability for agriculture as existed prior to extraction, except where high-water conditions make it impossible and the operation has been issued approval to extract below the water table.

G. Implementation Policies

The following principles shall be used to implement provincial policies and make them effective:

1. Policy takes effect after Cabinet approval and on publication in the *Ontario Gazette*, and applies to all planning applications under the *Planning Act*.
2. Policy statements shall be implemented by municipalities through municipal plans, plans of subdivision, consents, zoning by-laws, minor variances, and other planning tools, and by other planning jurisdictions through their decisions.
3. Policy applies whether or not municipal plans have been amended to reflect such policy.

4. New policies apply to applications made but not finally approved when the policy takes effect. In applying new policies to such applications, the applicant and all planning jurisdictions must make their best efforts to achieve the policy to the greatest extent possible. Decisions of planning jurisdictions on such applications must be tempered by fairness, including a consideration of: planning and front-end agreements, issues considered and decisions and formal agreements already made with municipalities and other planning jurisdictions, and conformity of the application to current municipal plans and consistency with provincial policy.

5. The Ministry of Municipal Affairs and Planning, together with other ministries, and in consultation with the public, may prepare guidelines to assist planning jurisdictions in implementing policy statements. Such guidelines will be advisory only and shall not derogate from policy.

6. Ministries will provide available information to planning jurisdictions on matters of provincial significance outlined in policy statements, and will assist planning jurisdictions in mapping and developing their policies.

7. Conflicts between policies will be resolved by the clear meaning of words. For example, if one policy prohibits development in provincially significant wetlands and other policies encourage aggregate extraction or affordable housing, the prohibition should rule out both extraction and housing in that wetland. Where conflicts still remain, those conflicts will be resolved in municipal plans as municipalities make best efforts to make decisions consistent with provincial policies.

8. Municipal plans will include maps or other descriptions of areas referred to in policy statements.

9. An environmental impact study (EIS), as outlined in legislation, will be required for development proposals in the following areas:
   - lands adjacent to a significant ravine, river, stream, or natural corridor, or to the habitat of endangered, threatened, and vulnerable species, or to provincially significant wetlands in the Great Lakes – St. Lawrence Region;
   - lands adjacent to significant woodlots defined in Policy A2;
   - provincially significant wetlands and adjacent land in the Boreal Region;
   - those parts of areas of natural and scientific interest, groundwater recharge areas, significant wildlife habitat, and shorelines where development is not prohibited;
   - land adjacent to lakes, rivers, and streams; and
   - where development is proposed which may impact fish habitat.

   An EIS shall include:
   (a) a description of the existing natural environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
   (b) the environmental effects that might reasonably be expected to occur;
   (c) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
   (d) a monitoring plan to measure the potential effects on the environment.

   An environmental impact study will provide a basis for assessing adverse effects.

Definitions

Adjacent land Land contiguous to an identified natural feature or function, or resource. For the purpose of Policy A3 concerning wetlands, adjacent lands means (a) those lands within 120 metres of an individual wetland area, and (b) all lands connecting individual wetland areas within a wetland complex.

Affordable Annual cost of housing, including mortgage, principal, and interest payments as amortized over 25 years with a 25 percent down payment, or gross rent, that does not exceed 30 percent of gross annual household income.

Agricultural activity Ploughing, seeding, harvesting, grazing, or animal husbandry, or buildings and structures associated with these farming activities. It includes these activities on areas lying fallow as part of a conventional rotation cycle.

Agricultural use Primary agricultural uses are: (1) The growing of crops or raising of livestock, including poultry and fish. (2) Farm-related commercial and farm-related industrial uses that are directly related to the farm operation and are required to be in close proximity to farm operations. Secondary agricultural uses are secondary to the farm operation, such as home occupations, home industries, and uses that produce value-added agricultural products from the farm operation. Agricultural drains are primary and secondary agricultural uses.

Archaeological heritage The remains of any building, structure, activity, place, or cultural feature or object which, because of the passage of time, is on or below the surface of land or water, and is of significance to the understanding of the history of a people or place.

Areas of natural and scientific interest Areas of land or water, as identified by the Ministry of Natural Resources, representing distinctive elements of Ontario's geological, ecological, or species diversity and including natural landscapes or features of value for natural heritage protection, scientific study, gene pools, and education.

Biodiversity The variety of life in all forms, levels, and combinations. It includes ecosystem diversity, species diversity, and genetic diversity.

Biota All plant and animal life.

Boreal Region The part of Ontario defined as the Boreal Region in figures 1 and 3 of the *Wetlands Policy Statement*. (For information purposes, the region is an area north of a line running roughly between Sault Ste. Marie and Temagami.)

Built heritage A building, structure, monument, or installation (or a group of them), or remains, associated with architectural, cultural, social, political, economic, or military history.

Built-up area The area where development is concentrated and contiguous with the developed portions of hamlets, villages, towns, and cities.

Contaminated site Property or lands that, for reasons of public health and safety, are unsafe for development as a result of past human activities, particularly those activities that have left a chemical or radioactive residue. Such sites include some industrial lands, electrical facilities, and some abandoned non-renewable resource operations.

Cultural resource May include archaeological or built heritage resources and structural remains of historical and contextual value, as well as human-made rural, village, and urban districts, or landscapes and tree lines of historic and scenic interest.

Cumulative impact The combined effects or potential effects of one or more development activities in a specified area over a particular time period. They may occur simultaneously, sequentially, or in an interactive manner.

Defined Storm The Hurricane Hazel storm (1954) or the Timmins storm (1961) or the 100-year storm, whichever is greatest, in the planning area, or other standard approved by the conservation authority or Ministry of Natural Resources.

Development (1) The construction, erection, or placing of a building or structure. (2) The making of a significant addition or alteration to a building or structure. (3) A significant change in use or in intensity of use of any building, structure, or premises. (4) Activities such as site-grading, excavation, removal of topsoil or peat, or the placing or dumping of fill. (5) Drainage works. The maintenance of existing municipal and agricultural drains is not "development" for the purpose of these policies.

Ecosystem Systems of plants, animals, and micro-organisms, together with the non-living components of their environment and related ecological processes.

Endangered species Any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be threatened with immediate extinction throughout all or a significant portion of its Ontario range. Endangered species are identified in Regulations under the *Endangered Species Act*.

Farm consolidation The joining together of two farm parcels that are abutting.

Fish habitat The spawning grounds and nursery, food supply, and migration areas upon which fish rely to live.

Flood fringe The outer portion of the flood plain between the floodway and the limit of flooding expected from the defined storm.

Flood plain The area of land adjacent to a watercourse that may be subject to flooding during the defined storm. It includes the floodway and the flood fringe.

Floodproofing A combination of structural changes or adjustments incorporated into the basic design or construction of buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.

Floodway The channel of a watercourse and the inner portion of the flood plain, where flood depths and velocities are generally higher than in the flood fringe. It is the area required for the safe conveyance and discharge of flood flow resulting from a storm less intense than the defined storm, or where water depths and velocities are such that they pose a potential threat to life or property on or near the flood plain.

Great Lakes – St. Lawrence Region The area of Ontario defined as the Great Lakes – St. Lawrence Region in figures 1 and 3 of the *Wetlands Policy Statement*. (For information purposes, the region is south of a line running roughly between Sault Ste. Marie and Temagami.)

Groundwater (1) Water occurring below the soil surface that is held in the soil itself. (2) Subsurface water, or water stored in the pores, cracks, and crevices in the ground below the water table. (3) Water occurring in the zone of saturation below the earth's surface.

Groundwater recharge area An area from which there is significant addition of water to the groundwater system.

Hazardous site Property or lands that, for reasons of public health, safety, or potential property damage, are unsafe for development as a result of naturally occurring or human-made perils. They may include unstable lands or areas subject to change as a result of their previous use as mining sites, sites prone to erosion, slopes and banks, unstable soils such as some organic and clay soils, areas of unstable bedrock, orphaned wells, capped wells, and underground caverns.

Infrastructure Physical structures that form the foundation for development. Infrastructure includes public sewage and water systems, storm-water disposal systems, waste management facilities, electric power, communications and transportation corridors and facilities, and oil and gas pipelines.

Intensification The development of a property or site at a higher density than previously existed. It includes (1) redevelopment, or development within existing communities; (2) infill development, or development on vacant lots or underdeveloped lots within a built-up area; (3) conversion, or the change of use of an existing structure or land use; (4) creation of apartments or other accommodation in houses.

Mineral aggregate Sand, gravel, shale, limestone, dolostone, sandstone, and other mineral materials suitable for construction, industrial, manufacturing, and maintenance purposes, but excluding metallic minerals, fossil fuels, and non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, and rock salt.

Minerals:

Industrial minerals are generally synonymous with non-metallic minerals and include any mineral, rock, or other naturally occurring substance of present or potential economic value, exclusive of metallic ores, mineral aggregates, and mineral fuels.

Metallic minerals have a high specific gravity and a metallic lustre from which metals (such as copper, nickel, or gold) are derived.

Non-metallic minerals lack the common properties of metallic minerals, such as metallic lustre or high specific gravity, and are generally of value for intrinsic properties of the mineral itself and not as a source of metal. They are generally synonymous with non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, and rock salt.

Mixed use A variety of uses in a building or community in close proximity, possibly including housing, recreational, and commercial, institutional, industrial, or other employment uses.

Non-renewable resource operations (1) Legally existing pits and quarries, oil, gas, and brine wells, and mining operations, including associated production and processing facilities. (2) Areas of existing mining land dispositions (mining leases and patents). (3) Past-producing mines, pits, and quarries with remaining mineral development potential.

Petroleum resources Included are oil and gas deposits and underground natural gas storage facilities.

Provincially significant wetland (1) A Class 1, 2, or 3 wetland in that part of the Great Lakes – St. Lawrence Region below the line approximating the south edge of the Canadian Shield, as defined in *An Evaluation System for Wetlands of Ontario South of the Precambrian Shield* (MNR, 1984). (2) A wetland identified as provincially significant by the Ministry of Natural Resources through an evaluation system developed specifically for other areas of Ontario.

Public service facilities Buildings and structures for the provision of public services.

Public services Programs and services provided or subsidized by a government or other public body. Examples include social assistance, health, and educational programs, and cultural services.

Quality agricultural area An area where quality agricultural land predominates.

Quality agricultural land Land that includes specialty crop lands and/or Canada Land Inventory Classes 1, 2, and 3 agricultural capability soils. Quality agricultural land may also be identified through an alternative land-evaluation system approved by the Ministry of Agriculture and Food.

Specialty crop land Areas where specialty crops such as tender fruits (peaches, grapes, cherries, plums), other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from: (1) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or (2) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

Rehabilitate After extraction, to treat land so that the use or condition of the land is restored to its former use or condition, or is changed to another use or condition that is or will be compatible with adjacent land uses.

Rural and recreational characteristics Elements of a municipality's physical, environmental, social, or cultural fabric through which its identity or uniqueness has evolved and is defined. Examples include historic settlement patterns, natural or cultural resources, waterways, and distinctive landscapes or vistas.

Sewage and water systems:

Private communal systems are sewage works and systems, and water works that provide for the distribution, collection, or treatment of sewage or water not connected to full public systems; are for the common use of more than five units of full-time or seasonal residential occupancy; and are owned, operated, and managed privately.

Private sewage and water systems, including on-site systems, are sewage works and systems, and water works, that are owned, operated, and managed privately and used by five or fewer properties or units.

Public communal systems are sewage works and systems, and water works that provide for the distribution, collection, or treatment of sewage or water not connected to full public systems; are for the common use of more than five units of full-time or seasonal residential occupancy; and are owned, operated, and managed by the municipality or other public body.

Public sewage and water systems are sewage and water works, owned by the municipality or the province and provided to serve the whole municipality or a substantial part of it.

Significant In regard to natural features and functions, ecologically important to the natural environment in terms of amount, content, representation, or effect and contributing to the quality and integrity of an identifiable ecological region. In regard to matters other than natural features and functions, important in terms of amount, content, representation, or effect.

Threatened species Any indigenous species of fauna or flora that, on the basis of the best available scientific evidence, is indicated to be experiencing a definite non-cyclical decline throughout all or a major portion of its Ontario range, and that is likely to become an endangered species if the factors responsible for the decline continue unabated.

Transportation system Public corridors, transit systems, roads, pathways, and other facilities for the movement of people or goods. Modes of transportation in these systems may include automobile, bus, train, truck, aircraft, bicycle, or foot.

Unorganized areas Those parts of the province without municipal organization.

Vulnerable species Any indigenous species of fauna or flora that is represented in Ontario by small but relatively stable populations, and/or that occurs sporadically, or in a very restricted area of Ontario, or at the fringe of its range, and that should be monitored periodically for evidence of a possible decline.

Wetland area A single contiguous wetland, which may be composed of one or more wetland types. Two or more wetland areas, plus their adjacent lands, form a wetland complex.

Wetland functions The biological, physical, and socio-economic interactions that occur because wetlands are present. Included are groundwater recharge and discharge, flood damage reduction, shoreline stabilization, sediment trapping, nutrient retention and removal, food-chain support, and fish and wildlife habitat.

Wetland management practices The activities undertaken by municipal or provincial public bodies, or by private landowners or individuals, to modify or enhance wetland features or functions to meet specific objectives.

Wetlands Lands seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of water has caused the formation of hydric soils and has favoured the dominance of hydrophytic, or water-tolerant, plants. The four types of wetlands found in Ontario are bogs, fens, marshes, and swamps. Lands being used for agricultural purposes, that are periodically "soaked" or "wet," are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time, are considered to have been converted to alternate uses.

Wildlife habitat Areas of the natural environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection, or food supply. Wildlife include all wild mammals, birds, reptiles, amphibians, fishes, and invertebrates. Areas included may be deer yards, nesting areas, aquatic habitat, waterfowl staging areas, and habitat of endangered, threatened, and vulnerable species.

Woodlot A hardwood, softwood, or mixed wooded area of more than one hectare, covered in trees to a density of (1) at least 1000 trees per hectare of all sizes, or (2) 750 trees per hectare measuring over 5 centimetres in diameter, or (3) 500 trees per hectare measuring over 12 centimetres in diameter, or (4) 250 trees per hectare measuring over 20 centimetres in diameter.

The Provincial Role

The Commission recommends that:

10. The *Planning Act* be amended to require the Minister of Municipal Affairs and Planning, before issuing a policy statement, to consult on the proposed policy, including providing notice and providing a fair opportunity for public comment.

11. The *Planning Act* be amended to provide for the establishment of a Provincial Planning Advisory Committee (PPAC), consisting of no more than 20 members representing the diverse interests in the planning system, appointed by the Minister of Municipal Affairs and Planning. PPAC will have the following functions:

    (a) Review proposals for provincial planning policy and plans referred by the Minister or submitted by the public.

    (b) Recommend to the Minister, for approval, an annual agenda of policy and planning priorities for the committee.

    (c) Direct the preparation of background studies, directing assigned staff and retaining consultants as needed.

    (d) Direct public consultation on policy and planning matters, using special committees having diverse interests and expertise in particular policy issues or representing interests in specific parts of the province.

    (e) Review the results of the public consultation, and provide feedback to the public on the recommendations made and how public input was considered.

    (f) Make recommendations to the Minister for provincial planning policies and plans, providing supporting rationale.

    (g) Review effectiveness of existing planning policy and plans, and make appropriate recommendations.

12. To provide coordination among ministries on planning matters, an Interministerial Planning Committee (IPC) of deputy ministers from ministries that have a direct interest in land-use planning in Ontario be established, chaired by the deputy minister of the Ministry of Municipal Affairs and Planning. The committee's mandate would include coordinating policy and planning activities among provincial ministries and working with the Provincial Planning Advisory Committee (PPAC) on provincial policy and planning proposals.

13. The *Planning Act* be amended to provide that provincial plans be adopted as policy statements under the Act.

14. Responsibility for provincial planning policy initiatives, coordination, and response be assigned to the Ministry of Municipal Affairs, which should be renamed the Ministry of Municipal Affairs and Planning.

15. The Minister of Municipal Affairs and Planning be given lead responsibility for planning functions in the province. To exercise this responsibility, the Minister should receive notice of municipal planning matters and be given the following responsibilities in respect of municipal planning functions:

    (a) Administer the *Planning Act*.

    (b) Coordinate provincial activities regarding policies and planning for land-use and related matters, including studies, analysis, and monitoring.

    (c) Play a leadership role in resolving interministerial disputes.

    (d) Work with the Provincial Planning Advisory Committee.

16. The Minister of Municipal Affairs and Planning:

    (a) Continue to have the authority to approve plans and plan amendments of regional governments, counties, separated municipalities, cities in the North, planning boards, and planning authorities. This approval power includes the ability to modify plans and plan amendments.

    (b) Continue to, where no regional or county plan exists, have the authority to approve plans, plan amendments, and plans of subdivision of local municipalities, and the *Planning Act* be amended to give the Minister the authority to charge an administrative fee for this function.

17. The Minister of Municipal Affairs and Planning, as well as other ministers, be permitted to appeal any municipal planning decision within the same timeframe, and subject to the same rules, as other objectors.

18. The *Planning Act* be amended to give the Ministry of Municipal Affairs and Planning the following authority:

    (a) The Minister of Municipal Affairs and Planning be authorized to impose an interim control order on any area or site where there is a provincial interest that will not otherwise be protected, effective for up to one year and renewable for no more than one year pending development of a provincial policy to address the provincial interest at issue. Notice must be given to affected parties within 30 days, and an appeal to the Ontario Municipal Board may be filed within 45 days of notification.

    (b) The Minister of Municipal Affairs and Planning be authorized to place a zoning order on any site or area without local zoning controls where there is a provincial interest that will not otherwise be protected. The right of appealing such orders to the Ontario Municipal Board should be retained.

    (c) The Minister's powers to remove delegated authority from municipalities continue, and the Minister be given additional authority to withdraw assigned consent powers.

    (d) The authority of the Minister to issue declarations of provincial interest and the associated authority of Cabinet to confirm, vary, or rescind decisions of the Ontario Municipal Board — as set out in sections 17, 22, and 34 of the *Planning Act* — be repealed.

19. To provide for improved administration of provincial review and approval responsibilities:

    (a) Regional planning review committees consisting of interested ministries be established, chaired by the staff member of the Ministry of Municipal Affairs and Planning.

    (b) Provincial plan approval and development review be delegated to the Ministry of Municipal Affairs and Planning staff on that committee.

    (c) A planner nominated by the municipalities served by the committee be assigned to it to help with administrative review, with costs paid by the Ministry of Municipal Affairs and Planning.

    (d) Procedures be established, following consultation with municipalities served, on screening and on approval and review periods.

20. Where responsibilities concerning related matters (such as storm-water management and fish habitat protection) are distributed among more than one ministry, agency, or level of municipal government, one ministry be assigned lead responsibility and be required to develop a coordinated strategy.

21. To provide for the improved administration of provincial permits, licences, and other technical approvals:

    (a) Ministries clarify the standards, performance criteria, and guidelines to be met, including the preferred methodology to be employed.

    (b) The Ministry of Municipal Affairs and Planning regularly publish an up-to-date booklet on required provincial permits, licences, and other technical approvals.

    (c) Ministries delegate to qualified municipalities the approval responsibilities for those permits, licences, and other technical approvals for which there are clear standards or criteria. The delegation agreements should include provision for certification by qualified professionals, in appropriate cases, and for peer review of technical studies.

22. Regional planning review committees set targets for approving many development review matters within 60 days of receipt, and most others within 90 days, and more complex matters, such as municipal plans, within six months. Where the province has not made a decision within six months, an appeal may be made to the Ontario Municipal Board.

23. In fulfilling the provincial responsibility to provide information to support planning:

    (a) Ministries develop and maintain systems, technology, and frameworks for data and information, and help coordinate information with municipalities;

    (b) Ministries promote research on proposed technology and other solutions related to planning and land-use matters for Ontario and assess and, where appropriate, approve them in a timely fashion.

24. The Ministry of Municipal Affairs and Planning, in conjunction with other ministries, institute a regular monitoring program on the compliance with and effectiveness of provincial planning policies, and that it be required to report at least every five years, providing a basis for the review of provincial planning policies.

25. The Ministry of Municipal Affairs and Planning continue to sponsor or support training programs for clerks and planning administrators, to sponsor training seminars in planning for new councillors, and to encourage field offices in the Ministry to hold semi-annual conferences on planning and other municipal issues; and that appropriate funding be made available for these activities.

26. The province provide grant programs to assist counties without county plans in developing them, in the amount of at least $1 million annually; to assist planning boards in Northern Ontario in developing plans and providing planning services in unorganized areas, in the amount of at least $600,000 annually; and to assist with watershed studies, in the amount of at least $1.5 million annually.

27. The Interministerial Planning Committee undertake a review to ensure that provincial grant and subsidy programs support provincial policy statements, and report to the Minister of Municipal Affairs and Planning within one year of the adoption of such statements.

Planning and Aboriginal Communities

The Commission recommends that:

28. A protocol or agreement be developed at the provincial level so that notice of development proposals or changes in use or tenure of provincially owned lands would be given to First Nations, non-status Aboriginal, and Métis settlements and areas.

29. The *Planning Act* be amended to authorize municipalities and planning boards to enter into agreements with First Nations and Aboriginal organizations regarding joint-planning, development, details of notification, servicing, and other matters within municipal jurisdiction. This authorization should explicitly note that outstanding land claims are not prejudiced because of such agreements.

30. Requirements in the *Planning Act* to notify an owner or a municipality, or a provincial or federal agency that has a relevant interest, be amended to specifically include First Nations, non-status Aboriginal, and Métis settlements and areas.

31. The province notify municipalities of land claims that affect their jurisdictions.

Municipal Plan-making

The Commission recommends that:

32. The *Planning Act* be amended to require that regions, counties, separated municipalities, cities in the North, and planning boards prepare and adopt a municipal plan containing goals and policies which would:

    (a) apply provincial policies to the regional context in a manner that resolves any conflicts among those policies;

    (b) plan and coordinate regional infrastructure, including transportation, water, sewage treatment, waste, open space, and educational, health, and social facilities;

    (c) establish urban and rural settlement patterns, including location and overall staging;

    (d) address the general nature and distribution of population, employment, and housing, including the supply and affordability of housing across the region;

    (e) address regional economic and social issues, other regional responsibilities, and interregional and intermunicipal issues;

    (f) protect natural features and systems;

    (g) protect the quality and quantity of ground and surface water;

    (h) protect quality agricultural areas;

    (i) protect renewable and non-renewable natural resources;

    (j) address energy and water use and conservation opportunities;

    (k) address issues of special regional interest;

    (l) establish a process to monitor change and the effectiveness of the plan.

33. The *Planning Act* be amended to specify that upper tiers may not delegate responsibility for preparing plans on broad issues to lower tiers.

34. Lower-tier municipalities continue to be permitted to develop local plans for the municipality or for one or more neighbourhoods, districts, or areas in the municipality.

35. The *Planning Act* be amended to enable lower-tier plans to address, within the context of the broad plan, the following matters:

    (a) the detailed pattern of land use, density, and mix of uses;

    (b) distribution of open space and parks;

    (c) recreation;

    (d) natural features and systems;

    (e) character of the community, including heritage, streetscape, and physical design;

    (f) the supply and affordability of housing in the municipality;

    (g) zoning, site plans, and other tools to regulate development;

    (h) energy and water use and conservation opportunities;

    (i) contaminated and hazardous sites;

    (j) issues of special local interest; and

    (k) other local responsibilities.

36. The *Planning Act* be amended to require that lower-tier plans conform to upper-tier plans and be consistent with provincial policy.

37. The *Planning Act* be amended to require that where there is no lower-tier plan, the upper-tier, planning board, or planning authority plan address the matters listed in Recommendation 35 as well as Recommendation 32. Separated municipalities and cities in the North would be required to address the requirements in both recommendations.

38. The *Municipal Act* be amended to permit counties, with the agreement of local municipalities, to be responsible for water and sewage.

39. The *Planning Act* be amended to permit local municipalities, with the consent of the affected counties and of the Minister of Municipal Affairs and Planning, to establish a planning authority to exercise planning powers similar to a county, provided:

    (a) it covers a population of not less than 20,000, or includes no fewer than six municipalities;

    (b) no municipality is split between planning jurisdictions;

    (c) the area covered by the planning authority includes the whole of an area served by public water and sewage services, including a separated municipality if one is part of the serviced area;

    (d) the affected counties do not have, and are not preparing, a county plan.

    Membership on the authority will consist of councillors appointed by local councils on a basis of representation by population.

40. To provide for more local decision-making on planning matters in the North:

    (a) In Northern Ontario, except for cities and the Regional Municipality of Sudbury, planning areas be established to include municipalities and unorganized areas that share common interests and are within the same sphere of influence. Planning-area boundaries should generally be based on natural boundaries such as watersheds, and should reflect relevant administrative boundaries such as school boards and economic development areas.

    (b) The *Planning Act* be amended to provide that members of planning boards are appointed by municipal councils from among their members, and elected from unorganized areas. Representation should generally be proportional to electoral population. Funding shares from municipalities and unorganized areas should be pro-rated by assessment or, with the approval of the province, by an annual fee or levy.

(c) The *Planning Act* be amended to require that planning boards are required to prepare plans and that the planning duties and responsibilities of planning boards are similar to those of upper tiers.

(d) The *Planning Act* be amended to provide that the approved planning board plan applies to all municipalities and unorganized areas within the planning area, and that for unorganized areas, planning boards be given responsibility for zoning, site-plan control, and building code administration.

(e) The Minister of Municipal Affairs and Planning establish committees from Northern Ontario to make recommendations on the location and boundaries of planning areas, and to report within six months.

(f) Where Crown land is within or adjacent to a municipality or a planning board's area, the Ministry of Natural Resources be required to inform the board of proposals for that land and engage in a public planning process.

(g) Local services boards and roads boards continue to administer services and roads in unorganized areas.

41. Once the province has adopted a comprehensive set of policy statements, the Minister of Municipal Affairs and Planning delegate to regions and counties with plans the authority to approve lower-tier plans and plan amendments. The delegated approval authority would include the authority to modify the plan or plan amendment.

42. Upper-tier municipalities currently without plans be required to prepare and adopt plans, and that:

(a) If plans have not been adopted by the councils of the Regions of York and Peel by the end of 1994, the province impose sanctions such as limits on capital borrowing, ineligibility for certain conditional grants, and removal of authority for upper-tier lot levies and delegated approvals.

(b) If plans are not adopted by counties and planning board areas within five years of the adoption of the new provincial policies, the province consider imposing sanctions as described in Recommendation 42(a).

(c) Until county and planning board plans are approved, the province maintain approval authority for municipal plans, plan amendments, plans of subdivision, and plans of condominium, and that no further delegation occur.

43. The *Planning Act* be amended to permit municipalities and planning boards and authorities to prepare and adopt strategic plans that address, in a pro-active way, economic, environmental, social, and other issues important to a community. A strategic plan should not be legally enforceable.

44. The *Planning Act* be amended to define "municipal plan" as "an approved document containing goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environments of the municipality or a part thereof, or an area that is without municipal organization."

45. The *Planning Act* be amended to require that municipal plans include maps or descriptions of matters noted in provincial policies.

46. The *Planning Act* be amended to require that, prior to the preparation of any plan or a general, area, neighbourhood, or other major plan amendment, a report be prepared for public review and considered by council, containing:

(a) a general description of the purpose of the proposed plan review;

(b) the general scope of the proposed plan review, including studies to be undertaken;

(c) proposals for public consultation and participation by interested agencies; and

(d) the proposed timetable for plan preparation and consideration.

47. The *Planning Act* be amended to require that the preparation of any plan or a general, area, neighbourhood, or other major plan amendment include the following steps:

    (a) Identify problems, priorities, needs, opportunities, and objectives.

    (b) Identify the criteria by which to evaluate options and alternatives.

    (c) Identify reasonable options (including the "do nothing" option) consistent with provincial policy, and describe their effects on the social, economic, and natural environment and their effectiveness in meeting objectives.

    (d) Prepare alternative-plan concepts on selected options and compare and assess them using the criteria in Step (b) to determine which concepts best meet objectives in Step (a).

    (e) Select and refine a preferred plan.

    (f) Establish monitoring systems and contingency approaches.

48. Legislation be amended to provide that plans and plan amendments which are approved under the comprehensive planning process described in recommendations 46 and 47 not be subject to the provisions of the *Environmental Assessment Act*.

49. The *Planning Act* be amended to provide that:

    (a) Municipalities may reject, without substantial study, any application for a major plan amendment, that is, an amendment which challenges basic assumptions in the municipal plan. Alternatively, municipalities may defer consideration of any application for a major plan amendment until a general plan review.

    (b) Where a municipality has not made a final decision on a plan amendment application within six months of filing a complete application, an applicant may appeal to the Ontario Municipal Board.

    (c) Where a municipality is not taking effective action to respond to an application, with the exception of an application for major plan amendment, an applicant may appeal to the Ontario Municipal Board 90 days after filing a complete application.

50. To incorporate watershed considerations into the planning process, the *Planning Act* be amended to require that:

    (a) In preparing plans with regard to development and change affecting water, municipalities prepare and adopt policies based on watershed considerations; and

    (b) Watershed or sub-watershed studies be undertaken in cases where there are changes in or concerns about levels of water quality or quantity and/or where there are pressures for development and change.

    (c) With the advice of conservation authorities, the upper tier identify which studies need to be undertaken first. Where there is no upper-tier or it is not planning, these decisions will be made by the affected lower tiers.

    (d) Conservation authorities carry out such studies and provide inventory, analysis, and recommendations to municipalities. Where no conservation authority is in place, watershed studies will be undertaken by municipalities, with the help of the Ministry of Natural Resources.

    (e) Watershed studies focus on surface-water and groundwater quality and quantity. They should generally address the following matters:

(i) quality and quantity of surface water and groundwater for developed areas of the municipality and other areas likely to undergo change;
(ii) flooding and natural hazards;
(iii) shorelines, marinas, and lakefill;
(iv) tree cover;
(v) erosion control;
(vi) drainage plans and storm water;
(vii) wetlands, recharge areas, and natural features;
(viii) remediation of water systems and natural features;
(ix) aquatic resources, including fisheries.

51. The Ministry of Natural Resources, the Association of Conservation Authorities of Ontario, and the Association of Municipalities of Ontario review the relationships between conservation authorities and county councils.

52. To establish requirements for environmental impact studies, the *Planning Act* be amended:

(a) To provide that applicants for development involving subdivisions and consents, development permits, and rezoning be required to prepare an environmental impact study (EIS) where required by provincial policies.

(b) To authorize municipalities to establish additional circumstances in which an EIS may be required.

(c) To provide that the content of an EIS include, without being limited to:
(i) a description of the existing natural environment that will be affected or might reasonably be expected to be affected, directly or indirectly;
(ii) the environmental effects that might reasonably be expected to occur;
(iii) alternative methods and measures for mitigation of potential environmental effects of the proposed development; and
(iv) a monitoring plan to measure the potential effects on the natural environment.

(d) To provide that a municipal council may not make final decisions on development applications until any required EIS is available.

53. The *Planning Act* be amended to provide that where municipalities are unable to agree on joint-planning, any municipality may apply to the Ontario Municipal Board for mediation. If the mediation fails, the Board should be authorized to order a joint-planning structure and a cost-sharing arrangement.

54. The Ministry of Natural Resources consider establishing pilot projects that bring together municipalities on the eastern shore of Georgian Bay and along the Lake Simcoe shoreline to coordinate analysis and response to common problems. Such projects could include watershed studies, water-use planning, and recreational boating.

55. The *Planning Act* be amended to require that municipalities prepare monitoring reports at least every five years, identifying and selecting key indicators. The monitoring reports will be one basis for the consideration by the municipality of the need to review its municipal plan.

Lot Creation and Development Control

The Commission recommends that:

56. The two existing administrative systems for lot creation — plans of subdivision and consents — be maintained. In addition, the current provisions of the *Planning Act* dealing with part-lot control should continue in force.

57. The *Planning Act* provisions regarding plans of subdivision and consents be amended:

    (a) To require both plans of subdivision and consents to be consistent with provincial policy and to conform to municipal plans.

    (b) To establish the same legislative requirements for both plans of subdivision and consents with respect to information to be provided in applications, and matters to be dealt with in considering applications.

    (c) To provide that draft subdivision plan approval may be terminated by the municipality if the conditions of draft approval are not met within a time established as a condition of draft approval.

    (d) To provide that if a municipality has not decided on a completed application for a plan of subdivision six months after receiving it, or for a consent three months after receiving it, the applicant may appeal the matter to the Ontario Municipal Board. Where a municipality is not taking effective action on an application for a plan of subdivision, an applicant may appeal to the Ontario Municipal Board 90 days after filing a complete application.

58. The current requirement for boundary surveys to be submitted with applications for plans of subdivision, and the current exemption from this requirement for consent applications, be maintained.

59. The responsibility for lot creation generally reside with the body responsible for the broad plan and, to this end, the *Planning Act* be amended:

    (a) To enable the Minister of Municipal Affairs and Planning, by order, after adoption of a comprehensive set of planning policies, to delegate responsibility for subdivision approval to upper-tier municipalities, separated municipalities, cities in the North, planning boards, and planning authorities, provided they have a municipal plan and are advised by a qualified planner (that is, a planner who can appear as an expert planning witness before the Ontario Municipal Board); and to provide that this authority may not be delegated to lower tiers.

    (b) To assign the authority to grant consents to planning boards and authorities as well as to upper-tier municipalities, separated municipalities, and cities in the North; and to enable the Minister to withdraw this assigned consent-granting authority where there is evidence that the authority is not being properly carried out.

    (c) To give the Minister of Municipal Affairs and Planning the authority to charge municipalities an administrative fee where the Minister exercises approval authority for subdivisions and consents.

    (d) To provide that upper-tier municipalities may delegate consent-granting authority to lower-tier municipalities, on the approval of the Minister, where:
        (i) upper- and lower-tier plans have been adopted under the proposed comprehensive set of provincial policy statements and the lower-tier plan is in conformity with the upper-tier plan; and
        (ii) the lower tier is advised by a qualified planner (that is, a planner who can appear as an expert planning witness before the Ontario Municipal Board); and
        (iii) any conditions set by the upper tier are met.

The authority of the Minister to revoke such delegation and to return consent-granting authority to the upper tier should be maintained.

60. Where consent-granting authority has already been delegated to lower-tier municipalities, such delegation continue, provided the upper tier is satisfied its responsibilities are being exercised in a responsible way. The authority for the upper tier to withdraw delegated responsibility should continue.

61. The *Planning Act* be amended to provide that if a municipality has not decided on a rezoning application within 90 days of receiving a completed application, the applicant may appeal the matter to the Ontario Municipal Board.

62. To provide for more local regulation of waterways in the province:

    (a) The province begin negotiations with the federal government to delegate the administration of the regulation of recreational boating to the province, similar to the current delegation of the administration of some sections of the federal *Fisheries Act*.

    (b) The ministry responsible for recreational boating consult with the Association of Municipalities of Ontario, affected municipalities, cottager associations, boating associations, and others, to discuss administrative arrangements regarding requests for speed limits, signage, and general implementation, including effective policing.

    (c) The province begin negotiations with the federal government to amend appropriate legislation to permit municipalities to plan for and place appropriate water-use designations on inland water bodies.

63. Municipalities be encouraged to prepare, with full public consultation, design guidelines for defined districts, and include them in a municipal, area, or neighbourhood plan. Design guidelines would be implemented through zoning and site-plan powers already available to municipalities.

64. The site-plan control provisions of the *Planning Act* be amended:

    (a) To authorize municipalities and planning boards, in cases where the council or board decides to permit public consultation in the site-plan process, to develop procedures for how and when public input into site-plan review occurs.

    (b) To widen the authority for site-plan agreements to include:
        (i) on-site requirements to deal with off-site impacts;
        (ii) any requirement regarding phasing, infrastructure, or other matter authorized by the municipal plan and provincial legislation;
        (iii) conditions necessary for environmental protection and restoration, including storm-water management, site alterations, monitoring, and noise;
        (iv) financial arrangements, including letters of credit.

    (c) To authorize regions and counties to impose conditions for public transit purposes.

65. Current provisions of site-plan control not be expanded to include colour, texture, type of materials, window detail, construction details, architectural detail, and interior design.

66. The *Planning Act* be amended to permit a municipality to adopt a development permit process for any district in a municipality, and to delegate permit approvals to staff, provided the municipality:

    (a) has adopted in the municipal plan development permit districts defining densities, uses, design guidelines, and other requirements — such as environmental impact study requirements — for the affected part of the municipality; and

    (b) has appointed an advisory committee consisting of members representing a broad range of interests, such as developers, community leaders, and individuals with an interest in design, to advise staff on development permit applications; and

    (c) has adopted a policy outlining conditions under which development permit applications will be considered by council rather than by staff.

67. The *Planning Act* be amended to provide that appeals of development permit decisions be made to the Ontario Municipal Board. If a municipality has not decided on a development permit application within 90 days of receiving a completed application, the applicant may appeal the matter to the Ontario Municipal Board.

68. In districts where the development permit process is in place, the traditional rezoning/site-plan approval process should not apply.

69. The *Planning Act* be amended:

    (a) To authorize municipalities to establish in the municipal plan sunset provisions on sewage and water allocations; and that the legislation provide, as a transitional matter, that allocations made before the legislation is passed may be withdrawn no sooner than 12 months after the municipality has adopted policies pursuant to the legislation.

    (b) To provide that any owner losing a sewage or water allocation has the right to appeal the withdrawal of that allocation to the Ontario Municipal Board.

    (c) To authorize municipalities to reserve sewer and water capacity for a reasonable amount of development that might proceed without plan of subdivision, such as minor infill and second units.

70. The *Planning Act* be amended to clarify that:

    (a) Municipalities be authorized to permit bonuses in defined districts in return for stated public benefits, provided the municipal plan establishes the maximum bonus that can be achieved and the public benefits for which a bonus may be given.

    (b) Municipalities be authorized to permit any transfer of density if the municipal plan states the policies outlining the purposes and criteria of such transfers, and establishes geographical limits for development districts within which transfers may occur.

71. To provide municipalities with general authority to regulate site alterations, the *Planning Act* and other applicable legislation be amended:

    (a) To permit municipalities to regulate tree-cutting, vegetation removal, changes in elevation, placement and removal of fill, and removal of peat. The controls should not apply to alterations authorized under the *Drainage Act* or to farm tile drainage or other normal farming practices.

(b) To permit municipalities to designate districts and apply different levels of site-alteration control to different districts, provided policies for each are spelled out in the municipal plan or appropriate by-law.

(c) To permit municipalities, in order to control tree-cutting and other site changes in anticipation of new rules, to set interim controls in a district without prior public notice, provided notice immediately follows the decision and opportunities for public debate and reconsideration are then made available.

(d) To permit municipalities to enter the property for the purpose of inspections to ensure compliance with municipal by-laws.

(e) To provide adequate penalties and remedies for breach of site-alteration by-laws, including injunctive relief, and including the ability to restore the site and recover costs for restoration.

72. Legislation be amended to clearly authorize committees of adjustment to consider minor variances of use.

73. To establish an improved process for reviewing municipal infrastructure projects, legislation be amended to provide that:

(a) The environmental assessment and review of municipal infrastructure projects currently undertaken through the Class Environmental Assessment process of the *Environmental Assessment Act* occur under the *Planning Act*, through a process called Class Environmental Review.

(b) The Minister of the Environment and Energy be authorized to approve, under the *Environmental Assessment Act*, a parent Class Environmental Review (Class ER) document for any municipal infrastructure defined as "recurring, similar in nature, limited in scale, having only a predictable range of environmental effects, and being responsive to standard mitigation measures," and that this definition of class be included in legislation.

(c) The parent Class ER document set out both the matters to be considered in developing alternative design and mitigation measures, and the process for public involvement including public notice and comment.

(d) Municipal infrastructure projects meeting the characteristics set out above and private infrastructure projects defined in the parent Class ER document be approved under the Class ER process prior to final decisions to proceed with construction.

(e) Municipal infrastructure projects not meeting the definition of class continue to be subject to the *Environmental Assessment Act*.

(f) Appeals of the Class ER process, including whether the project falls within the definition of class or concerning the adequacies of studies, are to the Ontario Municipal Board. The Board's jurisdiction in these cases should not extend to questions of need and alternatives dealt with at the municipal plan stage.

(g) Appeals to the Ontario Municipal Board on issues of need and alternatives to municipal infrastructure be permitted only at the municipal plan stage, where such matters are reviewed. Infrastructure in an approved municipal plan need not be subject to a new need and alternatives study when the plan is reviewed.

(h) Provincial and provincial agency undertakings continue to be dealt with under the *Environmental Assessment Act*. The opportunity to designate large-scale private undertakings under the Act would continue.

(i) Where change is proposed which involves infrastructure subject to an environmental study report and where an environmental impact study is required, the two be coordinated to ensure no duplication, and a single study meeting both requirements be undertaken.

Public Involvement

The Commission recommends that:

74. To encourage more public involvement in the planning process through the provision of information, the *Planning Act* be amended:

    (a) To require that all information, documentation, and staff reports in relation to plans and applications be available to the public. Applicants must agree in submitting applications that drawings, plans, and documents filed in support of those applications can be copied for purposes of public information and debate.

    (b) To permit municipalities to charge only nominal fees for planning reports and documents.

75. The *Municipal Act* be amended so that council and committee meetings, meetings of committees of adjustment, and meetings of land division committees be open to the public, and decision-making regarding plans and planning applications be carried out publicly.

76. To encourage public involvement in the planning process through better notification, the *Planning Act*, be amended so that:

    (a) Those affected by proposed changes be notified, in plain and simple language, in advance of decisions.

    (b) Municipalities be required to maintain a registry of those requesting notification of planning matters in the municipality or in parts of the municipality. A nominal fee may be charged for this service. The municipality may determine districts and kinds of applications for the registry, for which notice may be given.

    (c) Where notification to owners is required, notification also be to non-owner occupants listed on the assessment roll.

    (d) Where notification must be given to the general public, it be through a newspaper advertisement, direct mail to owners and non-owner occupants on the assessment roll, or direct delivery to properties affected and direct mail to non-resident owners.

    (e) Where notification is required for municipal plans, major plan amendments, and comprehensive zoning by-laws, notification be to the general public, those on the registry, applicable boards of education, adjacent municipalities, upper- or lower-tier municipalities as applicable, ministries and provincial agencies, and Aboriginal communities deemed to have an interest in the matter.

    (f) Where notification is required for site-specific rezonings, plan amendments, development permits, and lot creation, applicants be required to post a sign on the site, to specifications set by the municipality, advising of the nature of the application. Notification must also be given to owners and non-owner occupants within 120 metres of the site; in areas where a 120-metre radius reaches only the adjacent properties, notice should also be given to owners and non-owner occupants of properties abutting adjacent properties. Notice should also be given to those on the registry wishing notice, upper- or lower-tier municipalities as applicable, applicable boards of education, ministries, and provincial agencies, and Aboriginal communities deemed to have an interest in the matter, unless the municipality is notified that notice is not required.

77. To encourage public involvement in the planning process through public meetings, the *Planning Act* be amended to require that:

    (a) The following process be followed for plans, general, area, neighbourhood, or other major plan amendments, and comprehensive zoning by-laws:
        (i) Publication of intent to consider policy change.
        (ii) Opportunity for public response, including at least one public meeting.
        (iii) Preparation and circulation of draft proposal (including alternatives).
        (iv) Opportunity for response, including at least one public meeting.
        (v) Final decision-making.
        (vi) Notification of decision.

    (b) For plans, general, area, neighbourhood, or other major plan amendments, and comprehensive zoning by-laws, two public meetings take place. The first, to be held at the beginning of the process, should consider the need for the review of the plan or by-law and the process to be used for the review, including procedures for public involvement. The second should be at the end of the process, when final reports to council are being considered. Reasonable opportunities for public comment will be permitted at each meeting.

    (c) For rezonings, lot creation, and minor plan amendments, at least one public meeting be required when final reports to council are being considered. Reasonable opportunities for public comment will be permitted at the public meeting.

    (d) Where reasonable, two or more applications on the same property be dealt with concurrently, and notification and meeting requirements be combined.

78. The *Planning Act* be amended to permit municipalities to establish committees to advise on such matters as the natural environment, agriculture, housing, and planning.

79. The *Planning Act* be amended to provide for the following notification and appeal time periods:

    (a) Notification periods:
        (i) Public meetings to consider plans, plan amendments, comprehensive zoning by-laws
            — 30 calendar days
        (ii) Public meetings to consider rezonings, plans of subdivision
            — 21 calendar days
        (iii) Public meetings to consider consents
            — 21 calendar days
        (iv) Public meetings to consider minor variances
            — 14 calendar days
        (v) Public comment on development permits
            — 21 calendar days
        (vi) Public comment on consents and plans of subdivision where delegated to municipal staff
            — 21 calendar days
        (vii) Public comment where lot creation rests with the Minister of Municipal Affairs and Planning
            — 21 calendar days

    (b) Appeal periods, from notice of decision:
        (i) Plans, plan amendments, comprehensive zoning by-laws
            — 45 calendar days
        (ii) Rezonings, plans of subdivision, consents, development permits, site-plan control, withdrawal of sewer and water allocations
            — 21 calendar days
        (iii) Class Environmental Review
            — 30 calendar days
        (iv) Minor variances
            — 14 calendar days
        (v) Minister's interim control orders
            — 45 calendar days

Conflicts, Disputes, and Appeals

The Commission recommends that:

80. Mediation and programs which help different interests listen to each other be part of the planning process, and that municipalities consider techniques to encourage dispute resolution prior to council decisions.

81. The *Planning Act* be amended to require that, where appeals of decisions on minor variances are filed, the council in the municipality in which the application has been made consider the application and make a decision, and that the role of the Ontario Municipal Board in such appeals be terminated.

82. The Ontario Municipal Board, as a standard practice, convene a procedural meeting of the parties within 30 days after an appeal has been received by the Board, chaired by a Board member. This meeting will determine how best to process the dispute, including arrangements to disclose information, narrow issues, focus on serious matters under dispute, and seek a settlement. In minor cases where a hearing will occur in an expeditious fashion, the Board may dispense with the procedural meeting.

83. The *Planning Act* be amended to provide that where the Ontario Municipal Board member concludes at a procedural meeting that the appellant on any planning matter does not have an objection which merits a full hearing, the member may order a time and place for the appellant to make representations as to the merit of the appeal.

84. The *Planning Act* be amended:

    (a) to provide unincorporated associations status before the Ontario Municipal Board;

    (b) to make explicit that a person or municipality who contravenes a Board order is guilty of an offence;

    (c) to permit the Board to refer matters back to a municipality for further study or consideration;

    (d) to allow for the approval of the unappealed portions of plans and comprehensive zoning by-laws when only site-specific appeals have been filed;

    (e) to replace the current referral system with a right to appeal to the Board; and

    (f) to provide that, on a request of a party prior to a hearing, the Board shall arrange to make an audio-tape of the proceedings of the hearing.

85. The *Planning Act* be amended to permit the Ontario Municipal Board to award intervenor funding on any appeal of a plan, plan amendment, or plan of subdivision which involves a rezoning, which, in the opinion of the Board, affects a significant segment of the public and concerns the public interest and not just private interests. The decision of the Board should be based on the following criteria:

    (a) the intervenor represents a clearly ascertainable public interest, consistent with provincial policy, that should be represented at the hearing;

    (b) separate and adequate representation of the interest would assist the Board and contribute substantially to the hearing;

    (c) the intervenor does not have sufficient financial resources to enable it to represent the interest adequately;

    (d) the intervenor has made reasonable efforts to raise funding from other sources;

    (e) the intervenor has demonstrated concern for this issue at the municipal level;

    (f) the intervenor has attempted to join together with other objectors;

    (g) the intervenor has a clear proposal for the use of any funds that might be awarded;

(h) the intervenor has appropriate financial controls to ensure that the funds, if awarded, are spent for the purposes of the award; and

(i) such representation would assist the Board and contribute substantially to the hearing.

Applications for intervenor funding may not be made until the Board has determined that a full hearing or mediation will take place. The Board may reject an application for intervenor funding without a hearing. In other types of applications where the Board will be assisted by the representation of public interests, the Board should award costs during or after the hearing.

86. Until legislation has been passed permitting the Board to award intervenor funding, the Ministry of Municipal Affairs and Planning provide $500,000 annually to the Board to be used for intervenor funding.

87. The *Planning Act* be amended to permit the Board to award interim costs during a hearing, in addition to its existing power to award costs at the end of a hearing.

88. The Ontario Municipal Board institute a pre-hearing procedural meeting process to deal with the current backlog of cases before the Board.

89. To ensure the Ontario Municipal Board has the necessary resources to carry out its responsibilities:

(a) In appointing new Board members, the government take into account new areas of concern, such as environmental issues and dispute resolution.

(b) The government appoint part-time members to the Board.

(c) The Board maintain a list of mediators for parties to consider using as they attempt to resolve their differences.

(d) Board members be offered appropriate training in dispute resolution and in environmental and other matters with which the Board deals.

Sewage Treatment and Septics

The Commission recommends that:

90. The Ministry of the Environment and Energy continue to be responsible for inspections and the issuance of permits for private and communal systems, for setting standards for installation and operation, and for licensing septic installers and septage haulers. The Ministry of the Environment and Energy should institute training programs for installers, septage haulers, and inspectors.

91. The Ministry of the Environment and Energy be responsible for regular inspection of private and communal septic systems every five years. Where septic users have private wells, these should be inspected at the same time. The Ministry of the Environment and Energy should consider entering into agreements assigning responsibility for inspections and issuance of permits to regional and county governments, their health units, or conservation authorities, or, where no upper tier exists, to municipalities, provided all have the appropriate expertise. The first priority for inspection should be septic systems installed before 1975.

92. The Ministry of the Environment and Energy and its agents be permitted to charge septic and private well owners a fee to cover the costs of inspections on a user-pay basis, to be collected with property taxes.

93. The Ministry of the Environment and Energy institute a system whereby septic tanks may not be sold without the purchaser obtaining a certificate of approval and showing it to the seller of the septic tank.

94. Regions and counties be required to provide facilities for septage disposal. In Northern Ontario, this should be the responsibility of the Ministry of the Environment and Energy.

95. To improve the information available on different kinds of sewage systems, the Ministry of the Environment and Energy:

(a) Devise and undertake a program to educate owners on the proper use and care of septic systems.

(b) Establish an ongoing research and development program into sewage-treatment questions in Ontario.

(c) In consultation with municipalities and the Association of Municipalities of Ontario, develop information concerning the level of financial guarantees needed to address issues of capital replacement, maintenance, and liability for communal systems.

Implementing This Report

The Commission recommends that:

96. The government take immediate steps to consider and act on the following recommendations for administrative changes contained in this Report:

(a) The Ministry of Municipal Affairs be restructured and renamed the Ministry of Municipal Affairs and Planning.

(b) The Minister of Municipal Affairs and Planning, after consultation with ministries and other interests, establish regional planning review committees and delegate the planning approval powers of the Minister to the appropriate ministry staff on these committees.

(c) In addition to delegations already made, once a comprehensive set of planning policies has been adopted by the government, the Minister of Municipal Affairs and Planning delegate to those regions, counties, separated municipalities, and cities in the North that have an official plan and are advised by a qualified planner, approval authority for plans and plan amendments of lower tiers (where relevant), and plans of subdivision.

(d) Pending any legislative amendments, the Minister of Municipal Affairs and Planning agree that, as a matter of practice, where no ministerial decision is forthcoming within six months of submission of a completed application for approval, the matter will be referred to the Ontario Municipal Board at the request of the applicant or the municipality. Upper-tier governments should be requested to agree to a similar procedure for lower-tier approvals for which they are responsible.

(e) The government establish the grant programs recommended in this Report for new county plans, planning boards, and watershed studies.

(f) Ministries clarify and publish the standards, criteria, and/or guidelines used to judge applications for permits, licences, and other technical approvals and transfer approval authority, by agreement, to municipalities capable of assuming such powers. Such agreements should include provision for peer review of more complicated matters.

(g) The Ontario Municipal Board be requested to establish the recommended procedural meeting mechanisms to deal with both new cases and backlogged cases, to establish procedures for mediation, and to provide training on mediation techniques and other skills needed by members to chair procedural meetings.

(h) The government appoint part-time members to the Ontario Municipal Board.

(i) Pending legislation, the Ministry of Municipal Affairs and Planning provide an interim fund of $500,000 a year for intervenor funding at the Ontario Municipal Board.

(j) After consultation with affected interest groups, the Minister of Municipal Affairs and Planning appoint committees — at least one for Northeastern Ontario and one for Northwestern Ontario — to make recommendations on planning board areas and boundaries. These committees should be requested to report within six months of being appointed. Once the committees have reported, the recommendations for new planning boards and expansion and/or change to existing boards should be implemented. After this occurs, and once a comprehensive set of planning policies has been adopted by the government, the Minister should delegate to planning boards with an approved plan and which are advised by a qualified planner, approval authority for plans and plan amendments of municipalities within the planning board, and for plans of subdivision and consents.

(k) The government develop a protocol or agreement to give affected and other interested Aboriginal communities notice of development proposals for, or changes in use or tenure of, provincially owned land.

(l) The Interministerial Planning Committee be formally constituted and its mandate approved, with a first priority to assist the Minister of Municipal Affairs and Planning in adopting a comprehensive set of provincial policies.

97. The government consider the policy recommendations contained in this Report and endorse for consultation purposes a comprehensive set of provincial policy statements, which should be widely circulated for comment for a period of three months. The government should set a goal of formally adopting a comprehensive set of provincial policy statements under section 3 of the *Planning Act* before the end of 1993.

98. The government consider the recommendations for legislative amendments contained in this Report and prepare a draft bill, which should be widely circulated for comment for a period of three months. Subsequently, after a re-drafted bill has been introduced in the Legislature, the public should be given the further opportunity to comment at the committee stage. The government should set a goal of enacting the *Planning Act* amendments in 1994.

Appendix A

Ontario
Executive Council
Conseil des ministres

Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

The Government of Ontario recognizes that it is important that the people of Ontario have confidence in the planning and development process.

The Government of Ontario believes that the planning and development process should recognize and support environmental, agricultural and other public interests.

The Government of Ontario believes that an inquiry will provide policy recommendations which will assist the Government in making the planning and development process more fair, open and accountable.

Under the Public Inquiries Act, R.S.O. 1980, c.411, the Lieutenant Governor in Council may, by commission, appoint one or more persons to inquire into any matter that the Lieutenant Governor in Council declares to be of public concern, if the inquiry is not regulated by any special law and if the Lieutenant Governor in Council considers it desirable to inquire into that matter.

The Lieutenant Governor in Council considers it desirable to inquire into the following matters which the Lieutenant Governor in Council declares to be of public concern.

The inquiry is not regulated by any special law.

Therefore, pursuant to the Public Inquiries Act, a commission effective on the 1st day of July, 1991, shall be issued appointing John Sewell, Toby Vigod and George Penfold, who are, without expressing any conclusion of law regarding the civil or criminal responsibility of any individual or organization:

1. to examine the relationship between the public and private interests in land use and development,

2. to inquire into, report upon and make recommendations on legislative change or other actions or both, needed to restore confidence in the integrity of the land use planning system, including the following matters:

O.C./Décret 1355/91

(a) improvements to the integrity, efficiency, openness, accountability and goals of the land use planning and development review system;

(b) determination of the appropriate roles and relationships of elected officials, administrators, the development industry, interest and lobby groups, the public and the Ontario Municipal Board in the land use planning and development review system; and

(c) protection of the public interest in planning and land development and support of provincial priorities, including environmental and agricultural considerations;

In inquiring into these matters, the commission is to include the following in its considerations:

(a) the effect of the development industry's concentration and structure on the ability of provincial and local governments to protect the public interest;

(b) the appropriate role of provincial and municipal policy in achieving consistent and fair land use planning decisions and the need for any change in provincial legislation;

(c) the adequacy of development control tools to implement public policy;

(d) the impact of the municipal financing system and large scale infrastructure projects on local planning and development decisions, and

3. to consult widely, undertake research, foster dialogue and make recommendations on amendments to the Planning Act, 1983 and other relevant legislation and to undertake other actions needed to achieve its mandate.

Nothing set out above shall be taken as in any way limiting the right of the commissioners to petition the Lieutenant Governor in Council to expand the terms of reference to cover any matter that they may deem necessary as a result of information coming to their attention during the course of the inquiry.

All Government ministries, boards, agencies and commissions shall assist the commissioners to the fullest extent so that they may carry out their duties, and the commissioners shall have authority to engage such advisory services and other staff resources as they deem proper, at compensation rates approved by

the Management Board of Cabinet, so that a complete report may be prepared for the Minister of Municipal Affairs.

The Ministry of Municipal Affairs and the Ministry of the Attorney General will be jointly responsible for providing administrative support to the commission of inquiry.

Part III of the Public Inquiries Act is declared to apply to this inquiry and to the commission conducting it.

John Sewell shall be the Chair of the commissioners.

The commissioners shall present an interim report to the Minister of Municipal Affairs by July 1, 1992 and provide the Minister with other interim reports as the Minister may request.

The commissioners shall complete their inquiry and deliver their final report to the Minister of Municipal Affairs by July 1, 1993.

Recommended _____
Minister of
Municipal Affairs

Concurred _____
Chair

Approved and Ordered June 6, 1991
Date

_____
Lieutenant Governor

Appendix B

Working Groups

Beginning in 1991, the Commission organized a number of working groups to assist it at different stages over the course of its mandate. Positions and affiliations in the following lists identify a member's status at the time he or she was asked to join a group.

General Working Groups

The Commission organized two working groups to provide feedback on the proposals produced in different phases of the Commission's work. The Chairs Group was made up of representatives of organizations with a major interest in the planning and development process in Ontario. The Interministerial Group consisted of representatives of the provincial ministries interested in planning and development.

Chairs

Architectural Conservancy of Ontario
Alec Keefer

Association of Committees of Adjustment and Land Division Committees
David Cowtan or
Diane Stevenson

Association of Municipalities of Ontario
Terry Mundell

Canadian Bar Association of Ontario Environmental Law Section
Douglas R. Thomson

Canadian Bar Association of Ontario Municipal Law Section
Jim Harbell

Conservation Council of Ontario
Macklin Hancock or
Duncan MacDonald

County Planners
Malcolm Boyd

Economic Development Council of Ontario
David Amos

Environmental Assessment Board
Grace Patterson

Federation of Northern Ontario Municipalities
Frank Manzo

Federation of Ontario Cottagers' Associations
Barry Mitchell

Northern Ontario Municipal Association
Jennifer McKibbon or
Michael Power

Ontario Association of Landscape Architects
Gail Bornstein or
Linda Irvine

Ontario Environmental Network Land Use Caucus
Stephen Connolly or
Kathy Cooper

Ontario Home Builders' Association
Ian Rawlings

Ontario Municipal Board
Diana Santo

Ontario Professional Planners' Institute
Andrew Hope or
Anthony Usher

Ontario Society for Environmental Management
Douglas Petrie or
Nigel Richardson

Regional Planning Commissioners
Sally Thorsen

Toronto Society of Architects
Lorne Cappe or
Kim Storey

Urban Development Institute
Bruno Pen

Interministerial

Ministry of Agriculture and Food
Neil Smith

Ministry of Energy
Mary Ellen Warren

Ministry of the Environment
Jim Janse
Mel Plewes

Ministry of Culture and Communications
Robert Montgomery

Ministry of Government Services
Eva Li

Ministry of Housing
Robert Dowler

Ministry of Industry, Trade and Technology
Geoff Hare

Ministry of Municipal Affairs
Diana Jardine
Dana Richardson

Ministry of Natural Resources
Anne Dragicevic
Gord Rodgers

Ministry of Northern Development and Mines
Tony Buszynski

Ministry of Tourism and Recreation
John Yudelman

Ministry of Transportation
Mike Goodale

Ministry of Treasury and Economics
Carol Harris-Lonero

Office of the Greater Toronto Area
Sylvia Davis

Planning Policies Working Groups

In the fall of 1991, six working groups were organized to assist the Commission in developing, for discussion purposes, draft policies for different areas of the province. The six groups consisted of: cottage country, Northeastern Ontario, Northwestern Ontario, rural and small centres, urban, and urban fringe.

Cottage Country

Douglas Banks
Houston Heights Beach Association and Stanley Township Cottagers' Association

John Birnbaum
Georgian Bay Cottage Association

Larry Brown
Chief Administrative Officer
Township of Stephen

Cliff Craig
Land Management Coordinator
Rideau Valley Conservation Authority

Janet Grand
Program Coordinator
Muskoka Stewardship Program

Jim Green
Commissioner of Planning
District of Muskoka

Armin Grigaitis
Marina Operator
Councillor
Township of Georgian Bay

David Hahn
Former Reeve
Township of Bedford

Jim Hamilton
Ministry of Natural Resources
Toronto

Peter Hannah
J.L. Richards Consultants
Ottawa

Jennifer Harker
Biologist
M.M. Dillon Ltd.
Toronto

Ted Johnston
Cottager
Bobcageon

Bob Lehman
Planning consultant
Barrie

Hank Malec
Cottager/Engineer
Muskoka

Dan Matthews
Tourism Development Consultant
Duntroon

Gordon Mills
Boater
Oakville

Barry Mitchell
Federation of Ontario Cottagers' Associations

Rodney Northey
Cottager/Environmental lawyer
Georgian Bay

Ray Parfitt
Planner
Township of Mara

John Patterson
Cottager
Muskoka Lakes

Yuris Pelech
Director of Planning
Lush Corporation
Burlington

Wolf Scheider
Ministry of the Environment
Toronto

Bob Sneyd
Big Rideau Lake Association

Mark Stagg
County Planner and Economic Development Officer
County of Haliburton

Manuel Stevens
Park Planner
Rideau Canal
Canadian Parks Service

Ian Stewart
Reeve
Township of the Archipelago

Myra Wiener
Ministry of Municipal Affairs
Toronto

John Yudelman
Ministry of Tourism and Recreation
Toronto

Northeastern Ontario

Bill Beckett
Secretary-Manager
North Bay-Mattawa Conservation Authority

Wayne Belter
Administrator
Clerk/Treasurer
Mattawa

Lynne Bennett
Councillor
City of North Bay

Jack Bourne
Northland Engineering (1987) Ltd.
Sudbury

Roman Brozowski
Nipissing University College

Dan Brunette
Ministry of Natural Resources
Sudbury

Michael Burke
City Solicitor
City of North Bay

Jim Burke
Ministry of Municipal Affairs
Sudbury

Jeff Celentano
City Planner
City of North Bay

Jean-Marc Filion
Teacher
North Bay

Art Hinds
Planning Administrator and Secretary-Treasurer
Manitoulin Planning Board

Claude Lafrance
Ministry of the Environment
Sudbury

Keith Lewis
Environment Director
North Shore Tribal Council

Brennain Lloyd
Coordinator
Northwatch
North Bay

Robert Lucenti
Lawyer
Lucenti, Rivard and Orlando
North Bay

Heather Ross
Assistant Coordinator
Teme-Augama Anishnabai Bear Island

Stephen Sajatovic
Director of Planning and Development
City of North Bay

Gino Tedesco
Developer
North Bay

Northwestern Ontario

Dale Ashbee
Ministry of Northern Development and Mines
Thunder Bay

Wendy Bell
Mayor
Town of Marathon

John Callan
Chief Administrative Officer
Town of Dryden

Dennis Cromarty
Nishnowbe-Aski Development Fund

Gordon Cuthbertson
General Manager
Department of Planning and Building
City of Thunder Bay

Silvio Di Gregorio
Bruno's Contracting
Thunder Bay

Karen Farrell
Northwest Ontario Economic Development Network
Thunder Bay

Margaret Harris
Councillor
Township of Dorion

Bruce Hyer
Environmental consultant
Thunder Bay

Victoria Kosny
Secretary-Treasurer
Lakehead Rural Planning Board

Don Manahan
Planning consultant
Thunder Bay

Cliff McIntosh
President
Quetico Centre

Allan G. McKitrick
Lawyer
McKitrick Jones Kislock
Thunder Bay

Iain Mettan
Ministry of Natural Resources
Thunder Bay

Dusty Miller
Councillor
City of Thunder Bay

Glenn Nolan
Atikokan Citizens' Group

Richard Potter
Chair
Lakehead Conservation Authority

Fred Poulter
Vice-President, Administration
Lakehead University

Brenda Reimer
Lakehead Social Planning Council
Thunder Bay

Wayne Scott
Ministry of the Environment
Thunder Bay

Ian Smith
Ministry of Municipal Affairs
Thunder Bay

Miriam Wall
Andersen Management Services
Thunder Bay

Rural and Small Centres

Barbara Brownell
Executive Director
North Wellington Advisory Group
Arthur

Gary Davidson
Director of Planning
County of Huron

Barbara Dembek
Director of Planning
Township of Wilmot

Patrick Donnelly
Planning Supervisor
Ausable-Bayfield Conservation Authority

Ted Emond
Former mayor of Orillia
Head of Compensation Department
Hewitt Associates

Wayne Fairbrother
Lawyer
Templeman Brady Menninga Cort Sullivan and Fairbrother
Belleville

Jordan Grant
Seaton Group
Woodbridge

Ella Haley
Researcher
Guelph

Rae Horst
Ministry of Natural Resources
Toronto

Peggy Hutchison
Grey County Association for Better Planning

Sue MacPherson
Senior Planner
Walker Wright Young
Toronto

Mike Maloney
Coalition Advocating Responsible Development
Port Rowan

Sharon McCrae
Reeve
Township of Ops

Larry McDermott
Councillor
Township of Lavant, Dalhousie and North Sherbrooke

Jean Monteith
Planning consultant
Monteith Zelinka Ltd.
London

Pauline Morris
Ministry of Municipal Affairs
Toronto

Stephen Rodd
University of Guelph

Neil Smith
Ministry of Agriculture and Food
Toronto

Case Vanderham
Farmer
Holland Centre

Elbert van Donkersgoed
Christian Farmers' Federation of Ontario
Guelph

Brian Ward
Ministry of the Environment
Kingston

Bryan Weir
Director of Planning
County of Peterborough

John Willms
Lawyer
Willms and Shier
Toronto

Urban

Michael de Gruchy
Citizens for a Safe Environment
Toronto

Janet Dey
Vice-President, Development
Wesnor Developments
Toronto

Steven Fong
Architect
Toronto

Rosemary Foulds
Housing and social planner
Hamilton

John Gladki
Director, Policy and Strategic Planning
City of Toronto

David Hulchanski
Professor
Faculty of Social Work
University of Toronto

Diana Jardine
Ministry of Municipal Affairs
Toronto

Allan Leibel
Lawyer
Goodman and Goodman
Toronto

Jane Marshall
The Goldman Group
Toronto

Paul Muldoon
Counsel
Pollution Probe
Toronto

Lou Sage
Chief Administrative Officer
City of Hamilton

Ed Sajecki
Commissioner of Planning
City of York

Beth Savan
Associate Professor
Department of Geography and Environmental Studies Program
University of Toronto

Sherene Shaw
Councillor
City of Scarborough

Ron Struys
Real-estate developer
Toronto

Nick Tunnacliffe
Commissioner of Planning
Regional Municipality of Ottawa-Carleton

Stephan von Buttlar
Development consultant
Toronto

Carolyn Woodland
Landscape architect
Hough, Stansbury, Woodland Ltd.
Etobicoke

Urban Fringe

John Bacher
Preservation of Agricultural Lands Society
St. Catharines

Vicki Barron
General Manager
Credit Valley Conservation Authority

John Bray
Ministry of the Environment
Toronto

Margaret Britnell
Mayor
Township of King

Brian Buckles
Business executive
Pickering Rural Association

John Fisher
Save the Oak Ridges Moraine

Don Fleming
Herity Group
Toronto

John Ghent
Planner
Town of Oakville

Brenda Hogg
Resident
Richmond Hill

Eldred King
Chairman
Regional Municipality of York

Zen Makuch
Lawyer
Canadian Environmental Law Association
Toronto

Myron Pestaluky
Venturon Development Corporation
Concord

Paul Ross
Ministry of Municipal Affairs
Kingston

Neil Smith
Ministry of Agriculture and Food
Toronto

Sally Thorsen
Commissioner of Planning and Development
Regional Municipality of Waterloo

John van Nostrand
Architect/Planner
John van Nostrand Associates Ltd.
Toronto

Dennis Wood
Lawyer
McCarthy Tétrault
Toronto

Planning Process Working Groups

Early in 1992, the Commission organized four working groups based in four different parts of the province — Kingston, London, Sudbury, and Toronto — to help develop ideas on improving the planning process.

Kingston

Susan Beckett
Councillor
Township of Loughborough

Alan Cohen
Lawyer
Soloway and Wright
Ottawa

Rupert Dobbin
Director of Planning
City of Kingston

Terry Edwards
Senior Planner
County of Victoria

Ray Essiambre
Planning consultant
Kanata

Ruth Ferguson
Planning consultant
Ainley and Associates
Belleville

Rob Fonger
Director of Research and Policy
Department
Township of Kingston

Patty Fraize
Bayhill Developments
Kingston

Chris Hartman
Richcraft Homes Ltd.
Ottawa

Larry Huffman
Ontario Federation of Agriculture
Corbyville

Shirley Langer
Mayor
City of Belleville

Eleanor Lindsay
Former councillor
Town of Picton

Shane Kennedy
Ministry of Municipal Affairs
Ottawa

Clifford Maynes
Environmentalist
Peterborough

Les McCoy
Ministry of Natural Resources
Kemptville

Alex Munter
Councillor
City of Kanata

Dean Patterson
Chief Administrative Officer
Village of Bancroft

Helen Robinson
Collins Watershed Association
Glenburnie

Brian Ward
Ministry of the Environment
Kingston

London

Tom Albrecht
Matthews Group Ltd.
London

Cathie Brown
Ministry of Municipal Affairs
London

Charles Corbett
Reeve
Township of McGillivray

Frances Crummer
Resident
Chatham

Rick Draker
Devlon Group
London

Ted Halwa
Planning consultant
Community Planners Inc.
London

John Harrison
Heritage consultant
Owen Sound

Warren Hastings
Planning Director
City of Stratford

Rick Hundey
Chief Administrative Officer
Town of Exeter

Anne Hurd
McIlwraith Field Naturalists
London

Rhonda Hustler
Warwick Watford Landfill Committee
Watford

Graham Jordon
Consulting hydrologist
Gamsbey and Mannerow
Owen Sound

John Judson
Lawyer
Lerner and Associates
London

John Longworth
Ministry of the Environment
London

Jim Miller
Ministry of Agriculture and Food
St. Thomas

Ralph Pugliese
Director of Planning
County of Kent

Don Scott
Director of Planning
County of Bruce

Ian Seddon
Ministry of Natural Resources
London

Joe Swan
Alderman
City of London

Paul Verkley
Ontario Federation of Agriculture
Atwood

Sudbury

John Bain
Director of Planning
City of Sault Ste. Marie

Paul Bogart
Councillor
Township of Coleman

Ron Bonnett
Reeve
Township of Plummer Additional

Nancy Cunningham
Mayor
Town of Parry Sound

Marcel Gagnon
Lawyer
Blind River

Laurie Grosklag
Dalron Construction Ltd.
Sudbury

Liz Harding
Ministry of Northern Development and Mines
Sudbury

Roger Lachance
Secretary-Treasurer, Commissioner
West Nipissing Industrial and Planning Board

Bill Lautenbach
Director of Planning
Region of Sudbury

Bob List
Planning consultant
Bracebridge

David King
Ministry of Municipal Affairs
North Bay

Doug Kinney
Secretary-Treasurer
Sault Ste. Marie North Planning Board

Janice Newsome
Director of Planning
Town of Hearst

Carmen Provenzano
Lawyer
Sault Ste. Marie

John Robert
Mayor
Town of Valley East

Valois Seguin
Reeve
Township of Cosby, Mason and Mortland

Sally Sheppard
Community Development Consultant
Sudbury

Rod Stewart
Ministry of the Environment
Sault Ste. Marie

Jan Vandermeer
Environmental consultant
Timmins

Paul Wyatt
Ministry of Natural Resources
Sudbury

Toronto

Phil Byer
Environmental Assessment Advisory Committee
Toronto

Lindsay Dale-Harris
Planning consultant
John Bousfield Associates
Toronto

Nancy Diamond
Mayor
City of Oshawa

Bill Friedman
Lawyer
Macaulay, Chusid and Friedman
Toronto

Carol Goyette
Community Development (LAMP)
Etobicoke

Elizabeth Howson
Planning consultant
Macaulay, Shiomi and Howson
Toronto

Renee Jarrett
Manager, Plan Review Section
Metro Toronto and Region Conservation Authority

Phil Jessup
International Council for Local Environmental Initiatives
Toronto

Paul Jones
Ministry of Municipal Affairs
Toronto

Rick Lindgren
Lawyer
Canadian Environmental Law Association
Toronto

Blake Kinahan
Chairman
Municipality of Metropolitan Toronto Economic Development and Planning Committee

Cathie Macdonald
Director of Plan Examination
Buildings and Inspection Department
City of Toronto

Wayne McEachern
Ministry of Transportation
Toronto

Keith McNenly
Clerk/Treasurer
Township of Mono

Steve Marshall
Save the Rouge Valley System
Locust Hill

Pat Murphy
Director of Development Review
Region of Halton

Marilyn Mushinski
Councillor
City of Scarborough

Mel Plewes
Ministry of the Environment
Toronto

John Rogers
Former mayor of Georgina
Lawyer
Newmarket

Sue Seibert
Planner
Aurora

Lucy Stocco
Tribute Corporation
Pickering

Susan Zwickel
The Daniels Group
Toronto

Special Issues Working Groups

The Commission organized three working groups to assist in developing ideas on how to deal with special issues. These groups discussed: development tools; social policy; and the relationship between the *Environmental Assessment Act* and the *Planning Act*.

Development Tools

Doug Billett
Director
Development Review and Transportation Policy
Regional Municipality of Peel

Bob Clarke
Planner
Totten Sims Hubicki
Cobourg

Elaine Hitchman
Commissioner of Planning
City of North York

Elizabeth Ottaway
Deputy Commissioner of Planning
County of Oxford

Phil Sanford
Lawyer
McCarthy Tétrault
Toronto

Social Policy

Philip Abrahams
Metro Community Services
Toronto

Karen Chan
Children's Services Division
Halton Social Services Department

Patricia Hodge
Social Planning Council
Kingston and District

Dan Leckie
Ministry of Health
Toronto

Judith Leon
Senior Link
Toronto

John Nywening
Ministry of Community and Social Services
Toronto

Susan Pigott
United Way
Toronto

Gerde Wekerle
Faculty of Environmental Studies
York University

Relationship Between Environmental Assessment Act and Planning Act

Donald Biback
Cadillac Fairview
Toronto

Michael Boggs
Chief Administrative Officer
Niagara Region
Association of Municipalities of Ontario

John Bull
Director of Operations
City of Guelph
Municipal Engineers' Association

Phillip Byer
Environmental Assessment Advisory Committee
Toronto

Kathy Cooper
Canadian Environmental Law Association

Derek Doyle
Environmental Assessment Branch
Ministry of the Environment

Paul Eagles/Len Gertler
Environmental Assessment Board
Toronto

Ruth Ferguson
Planning consultant
Ainley and Associates
Belleville

Mike Goodale
Ministry of Transportation
Toronto

Ron Kennedy
Ministry of Municipal Affairs
Toronto

Michael McQuaid
Lawyer
Weir and Foulds
Toronto

Pat Murphy
Director of Development Review
Region of Halton

Steven Rowe
Planning consultant
Walker, Nott, Dragicevic
Toronto

Judy Simon
Environmental consultant
Toronto

Jack Winberg
Rockport Group
Toronto
Urban Development Institute

Appendix C

Meetings with Communities, Councils, and Groups

Meetings with Communities

The Commission invited the public from surrounding areas to attend community meetings at the following locations:

Brantford	January 27, 1993
Caledon	July 14, 1992
Chatham	November 4, 1991
Guelph	April 2, 1992
Hamilton	February 17, 1992
Newmarket	April 15, 1992
North Bay	September 19, 1991
Orangeville	April 27, 1992
Oro	May 4, 1992
Ottawa	October 10, 1991
Perth	May 11, 1992
Sarnia	November 5, 1991
Sault Ste. Marie	September 13, 1991
St. Catharines	January 26, 1993
St. Thomas	March 31, 1992
Sudbury	February 28, 1992
Thunder Bay	September 12, 1991
Townsend	March 31, 1992
Whitby	March 12, 1992
Windsor	November 5, 1991
Wingham	April 2, 1992

Meetings with Municipal Councils

Members of the Commission met with regional, county, and local councillors on the following dates:

1991

September
- 12 City of Thunder Bay
- 13 City of Sault Ste. Marie
- 19 City of North Bay
- 20 City of Kitchener
  City of Waterloo
- 23 City of Stratford

October
- 1 City of Burlington
- 10 Regional Municipality of Ottawa-Carleton
- 18 City of London
  City of Woodstock
- 24 Regional Municipality of Peel

November
- 2 County of Oxford
- 4 County of Kent
  City of Chatham
- 5 City of Sarnia
  City of Windsor
  County of Lambton

December
- 13 County of Haliburton
  County of Peterborough
  County of Victoria

1992

January
- 14 Regional Municipality of Halton
- 15 Regional Municipality of Niagara
- 16 County of Middlesex
- 21 Regional Municipality of Ottawa-Carleton
- 22 County of Frontenac
- 23 County of Northumberland
- 28 City of Sault Ste. Marie
- 30 County of Grey

February
- 5 City of Peterborough
- 27 Regional Municipality of Hamilton-Wentworth
- 28 Regional Municipality of Sudbury

March
- 3 County of Middlesex
  City of Thunder Bay
- 12 Regional Municipality of Durham
- 30 City of Scarborough
- 31 County of Brant
  County of Elgin
  City of Brantford
  Regional Municipality of Haldimand-Norfolk

April
- 2 County of Bruce
  County of Huron
- 3 County of Wellington
  City of Guelph
- 21 Borough of East York
- 30 Municipalities in District of Timiskaming

May
- 4 City of York
- 6 Municipality of Metropolitan Toronto
- 11 City of Etobicoke
- 12 County of Lanark
- 14 Regional Municipality of York
- 26 United Counties of Stormont, Dundas and Glengarry
- 27 County of Hastings
- 28 County of Essex

June
- 5 District Municipality of Muskoka
- 9 City of Timmins
- 10 Regional Municipality of Sudbury
- 19 Regional Municipality of Halton
- 25 Regional Municipality of Ottawa-Carleton

July
- 14 Town of Caledon

October
- 5 Municipalities in District of Parry Sound
- 14 Regional Municipality of York
- 15 County of Simcoe
- 19 Regional Municipality of Peel
- 21 County of Renfrew
- 22 County of Peterborough
- 26 County of Lambton
- 27 Regional Municipality of Waterloo

November
- 3 Municipalities in District of Nipissing

1993

January
- 20 Regional Municipality of Ottawa-Carleton
- 26 Regional Municipality of Niagara
- 27 County of Brant

February
- 18 County of Grey

March
- 8 County of Kent
  City of Chatham
- 17 Town of Jaffray Melick
  Town of Keewatin
  Town of Kenora

Meetings with Groups

The Commission met with numerous associations and other organizations, either in meetings or at conferences, including:

Aggregate Producers' Association
Association of Committees of Adjustment and Land Division Committees
Association of Conservation Authorities
Association of Municipal Clerks and Treasurers of Ontario
Association of Municipalities of Ontario
Association of Ontario Business Districts
Association of Professional Heritage Consultants
Association of Public Health Inspectors
Canadian Association of Certified Planning Technicians
Canadian Bar Association, Environmental Section
Canadian Bar Association, Municipal Section
Canadian Institute of Planners
Canadian Urban Institute
Committee of Metro Local Area Councils (Toronto)
Co-operative Housing Federation
County Planning Directors
Environmental Assessment Advisory Committee
Environmental Assessment Board
Environmentalists Plan Toronto
Family Service Agencies
Federation of Ontario Cottagers' Associations
Federation of Ontario Naturalists
Georgian Bay Cottagers' Association
Georgian Bay Triangle Association
Grand River Conservation Authority
Greater Toronto Home Builders' Association
Grey Association for Better Planning
Guelph Home Builders' Association
Hike Ontario!
Housing Development Resource Centre
Kitchener-Waterloo Home Builders' Association
Lakeshore Planning Council
Metro Toronto Planning Commissioners
Municipal Engineers' Association
Muskoka Cottagers' Association
National Association of Industrial and Office Parks
Niagara Escarpment Coalition
Niagara Escarpment Commission
Northern Ontario Municipal Association
Oak Ridges Moraine Working Group
Ontario Architects' Association
Ontario Association of Landscape Architects
Ontario Public School Boards' Association
Ontario Environmental Network, Land Use Caucus
Ontario Federation of Agriculture
Ontario Home Builders' Association
Ontario Institute of Agrologists
Ontario Land Economists
Ontario Municipal Board
Ontario Non-Profit Housing Association
Ontario Professional Planners' Institute
Ontario Social Planning Council
Ontario Society for Environmental Management
Ontario Tender Fruit Producers' Marketing Board
Ontario Urban Transit Association
Regional Planning Commissioners
Rural Ontario Municipal Association
Society of Directors of Municipal Recreation in Ontario
Tender Fruit Growers' Association
Toronto Board of Trade, Planning Committee
Toronto Real Estate Board
Urban Design Group of the Greater Toronto Area
Urban Development Institute
Uxbridge Conservation Association
Waterfront Regeneration Trust
Women Plan Toronto
York Region Real Estate Board

Appendix D

Public Forums

The Commission held four rounds of public forums across the province.

1992

January Public Forums

January
- 14 Burlington
- 15 Thorold
- 16 London
- 21 Ottawa
- 22 Kingston
- 23 Cobourg
- 27 Thunder Bay
- 28 Sault Ste. Marie
- 30 Owen Sound

May/June Public Forums

May
- 26 Cornwall
- 27 Belleville
- 28 Windsor

June
- 1 Metro Toronto
- 2 Metro Toronto
- 4 Stratford
- 6 Gravenhurst
- 9 Timmins
- 10 Sudbury
- 16 Kenora

October/November Public Forums

October
- 14 Richmond Hill
- 15 Barrie
- 19 Brampton
- 21 Pembroke
- 22 Peterborough
- 26 Sarnia
- 27 Waterloo

November
- 3 North Bay
- 4 Thunder Bay

1993

Public Forums on the Draft Report

February
- 15 Oshawa
- 16 Newmarket
- 17 Parry Sound
- 18 Owen Sound
- 19 Owen Sound
- 22 Metro Toronto
- 23 Metro Toronto
- 24 Mississauga
- 25 Hamilton

March
- 1 Ottawa
- 2 Ottawa
- 3 Kingston
- 4 Lindsay
- 8 Chatham
- 9 London
- 10 Guelph
- 11 Sault Ste. Marie
- 15 Timmins
- 16 Sudbury
- 17 Thunder Bay
- 18 Kenora

Appendix E

Submitters

Many individuals and organizations contributed to our work through submissions to the Commission and briefs presented at public forums. Some of the names on the list made more than one submission. An asterisk (*) denotes an oral submission only.

Access to Permanent Housing Committee
Social Housing Access Committee
Housing Help Centre Program Committee
Hamilton

Action to Restore a Clean Humber
Etobicoke

Leah Adams
Gananoque

William S. Addison
Director of Planning
County of Simcoe

David E. Agar
Russell

Aggregate Producers' Association of Ontario

J.H. Albarda
Elora

Don Alexander
Owen Sound

Kenneth A. Alexander
Tarzwell

Stephen Alexander
Planning Department
City of Cornwall

Ned Allam
Nehad Allam (Architects)
North York

Bob Almack
Blackstock

Lorne Almack
Pickering Rural Association

Allan Anderson
Tottenham

Cheryl Anderson-Langmuir
Guelph Field Naturalists

D.G. Andrews
Department of Chemical Engineering and Applied Chemistry
University of Toronto

Ron Andrews
Reeve
Township of Bruce

N.B. Andreychuk
Mayor
Grimsby

Archaeological Services Inc.
Toronto

Architectural Conservancy of Ontario

Ronald St. C. Armstrong
Armstrong Harrison Associates
Whitby

W. David Arnill
Seeley and Arnill Aggregates
Collingwood

Doris A. Arnold
Owen Sound

J.W. Arnott
Georgian Triangle Development Institute
Collingwood

Arnprior Region Federation of Agriculture

Assaly Group of Companies
Ottawa

Association of Conservation Authorities of Ontario

Association of District Health Councils of Ontario

Association of Municipalities of Ontario

Association of Ontario Land Surveyors

Association of Professional Archaeologists

Association of Supervisors of Public Health Inspectors of Ontario

Atikokan Citizens' Group*
Glenn Nolan

Bill Auld
Parry Sound

Auto Free Ottawa

Michael J. Axford
Chatsworth

Tess Ayles
Doug Hum
Barbara Jamieson
Child Care Committee of Scarborough

Yvonne Azzoparde
Kennebec Township

Ellen Baar
Vancouver

C.E. Babb
Burlington

John Bacher
Friends of Foodlands

Paul Bain*
Planner
Toronto

Neil Baird*
Grafton

Ross Baker
Arden

Ted Baker
Baker Salmona Associates
Mississauga

Tambyah Balasingham
North York

Bob Barber
Matheson

Ed Barge
Cobourg

Clayton J. Barker
Burford Township Historical Society

Norine Baron*
Heathcote

G. Gerald Barr
Waterloo

G. Barrett
S. Couture
B. Debbert
L.E. Draho
J. Fleming
M. Henderson
T. Grawey
O. Katolyk
L. Mottram
B. Page
R.W. Panzer
W.J.C. Parker
D.N. Stanlake
J.R. Tikalsky
B. Turcotte
London

Barrie Builders Association

G.R. Bartlett
Dunnville

John Barton
Kanata

Trevor Bartram
Toronto

Bay of Quinte Remedial Action Plan
Public Advisory Committee

G.H.U. Bayly
Niagara Escarpment Commission

Dr. Anita C. Beaton
Oro Station

Beaver Valley Heritage Society
Clarksburg

Susan Beckett
Councillor
Township of Loughborough

D. Vance Bedore
Planning Director
County of Renfrew

Beth Beech
Stratford

Fred Beer
Pickering Rural Association

Belfountain Community and Planning Organization

Gerry Belisle*
Barry's Bay

Don Bell
Mississauga

George Bell
G.K. Bell and Associates
Mississauga

Belleville Business Improvement Area

Danny Bellissimo
Toronto

Mohamed Belmadani
Denise Seguin
St. Pascal

R.G. Bennett
H.J. Heath
Lindsay

R.P. Bentham
Flesherton

Stella Berbynuk
Tilbury

Paul and Virginia Berg
Millbank

Julie Bergshoeff
Hamilton

Laurie Berman
Palgrave

Skip Bernstein
Markdale

Helen Beswick
Councillor
Town of Dundas

Big Rideau Lake Association

D.R. Billett
Bramalea

Ruby Birch
Richmond Hill

Black Creek Anti-Drug Focus Community Coalition
Northwest Space Committee
North York

Bill Blair
Renfrew

Jon-Paul Blais
Sioux Lookout

Gary Blazak
Cumming Cockburn
London

Ursula Bloom
Combermere

Dirk Blyleven
Mississauga

Board of Education for the City of Etobicoke

Board of Trade of Metropolitan Toronto

Boat Harbour Association of Brighton Township

David Boese*
St. Catharines

Michael H. Boggs
Chief Administrative Officer
Regional Municipality of Niagara

William Bolan
Sault Ste. Marie

Lionel Bonhomme
Melrose Heights
Timmins

Bonnechere Métis Association
Golden Lake

E. Boote
Hastings

Borough of East York

William Bosiak
W.R. Bosiak Construction
Stirling

George Bothwell
Owen Sound

L.A. Bottos
City Solicitor
City of Sault Ste. Marie

Aurel Boucher
Pembroke

Jack Boughner
Langton

Sam Bowman*
Toronto

Bill Boychuk
Timmins

John Boyd
Lois James
Toronto

Howard Bradfield*
Anchor Concrete Products
Kingston

Richard Brady
Senior Planner
Proctor and Redfern
St. Catharines

M.R. Bragg
Past President
Association of Supervisors of Public Health Inspectors of Ontario
Woodstock

Murial Braham
Councillor
Township of Haldimand

Murial Braham
Jackie Innis
Councillors
Township of Haldimand

George and Judy Braithwaite
McDonald's Corners

Andrew Breuer
Thornhill

Robert A. Breuls
Harrowsmith

Lynne Bricker
Ottawa

Gail and Robert Briggs
Kakebeka Falls

David O.J. Broderick
Maxwell

Mark Brodrick
Guelph

Ernest Brommecker
Etobicoke

Cary Brown
Barrie

Doug Brown
Conserver Society of Burlington

Ronald F. Brown
Toronto

Paul Bruer
Wiarton

Dan Brunette
Ministry of Natural Resources
Northeastern Region
Sudbury

Ken and Marion Bryden
Toronto

Douglas Brydges
Editor
Times Star Publishing
Geraldton

Douglas Budden
Tamworth

Building Owners and Managers Association of Ottawa-Carleton

Mark Bunting
P.M. Bunting and Associates
Kingston

Patricia Burn
Kingston

William John Burns
Fergus

William Burrows
Ottawa

Rita A. Burtch
Rideau Environmental Action League

Murray Buzza*
Burlington

Sean Cable
Kingston

Ted Cadenhead*
Thunder Bay

Mike Cadman
Guelph

John Calvert
Alternative Transportation Campaign
Kingston Environmental Action Project

Cambridge Environmentalists

Sarah Campbell
North Bay

Canadian Association of Certified Planning Technicians

Canadian Association of Professional Heritage Consultants

Canadian Bar Association (Ontario)
Toronto

Canadian Environmental Defence Fund

Canadian Environmental Law Association

Canadian Environmental Law Association
In association with members of Land-Use Caucus of Ontario Environment Network

Canadian Institute for Environmental Law and Policy

Canadian Institute of Public Real Estate Companies

Canadian Jesuits
Father J.P. Horrigan
Director of Properties

Canadian Parks and Wilderness Society
Ottawa-Hull Chapter

Canadian Power and Sail Squadrons
Scarborough

Canadian Seniors for Social Responsibility
Working Group on Healthy Sustainable Communities

Chris Cannon*
Shelagh Merskey
Kingston

Christine J. Cannon
Kingston

R. Carl Cannon
Director of Planning
Township of Sidney

Carleton Board of Education

Carlingwood Community Association
Ottawa

Roger N. Carr
Port Hope

Lorne Carroll
West Lorne

Cyril Carter
Peterborough

Ronald E. Carter
Conestoga-Rovers and Associates
Belleville

Dennis Carter-Edwards
Ontario Historical Society

Cataraqui Region Conservation Authority

Catfish Creek Conservation Authority

Annabel Cathrall
Chair
Environment Committee
Guelph Field Naturalists

P.M. Catling
Canadian Botanical Association

Jeffrey Celentano
North Bay

Central Beckwith Concerned Citizens Group
Smiths Falls

Central Elgin Planning Office

Central Lake Ontario Conservation Authority
Oshawa

Chalkfarm Neighbourhood Association
North York

Wes Chalmers
Blenheim

Alan Chapple
Armbro
Brampton

Chatham Kent Home Builders' Association

Joyce Chevrier
Kenora

Raymond Chipeniuk
Ottawa

Christian Farmers Federation of Ontario
Guelph

Christine Chun
Scarborough Housing Help Centre

William Church
Orangeville

Citizen Review Committee for Waste Management of Ottawa

Citizens for Affordable Housing York Region

Citizens Against More Pits
North Dumfries

Citizens for Citizens
Hamilton

Citizens Concerned About the Future of the Etobicoke Waterfront

Lakeshore Planning Council

Citizens Environmental Alliance*
Windsor

Citizens for a Greener Oxford (County)

Citizens for an Oak Ridges Trail
Aurora

Citizens' Organization for Wellesley Township Study

Citizens for Property Tax Reform
Toronto

Citizens for Safe Cycling*
Ottawa

Citizens for a Safe Environment*
Toronto

City of Barrie

City of Belleville

City of Brampton

City of Brantford

City of Brockville

City of Burlington

City of Cambridge

City of Chatham

City of Etobicoke

City of Gloucester

City of Guelph

City of Guelph
Committee of Adjustment

City of Hamilton

City of Kanata

City of Kingston

City of Kitchener

City of London

City of Mississauga

City of Niagara Falls

City of North Bay

City of North York

City of Orillia

City of Oshawa

City of Ottawa

City of Owen Sound

City of Pembroke*

City of Peterborough

City of Peterborough
Committee of Adjustment

City of Port Colborne

City of St. Thomas

City of Sarnia

City of Sault Ste. Marie

City of Scarborough

City of Stoney Creek

City of Stratford*

City of Thorold
Committee of Adjustment

City of Thunder Bay

City of Timmins

City of Timmins
Committee of Adjustment

City of Toronto

City of Toronto
Planning Advisory Committee

City of Vanier

City of Vaughan

City of Waterloo

City of Windsor

City of Windsor
PAC Sub-Committee on Planning and Development Reform

City of Woodstock

City of York

Civic Forum
Alex Cullen
Ottawa

Bob Clark
Cobourg

Diane Clarke
Shuniah

Ralph Clayton
Ridgetown

Austin Clipperton
Clerk-Treasurer
Township of the Spanish River

CN Real Estate
Bud Purves

Co-housing Society*
Toronto

Co-operative Housing Association of Ontario

Coalition Advocating Responsible Development
Haldimand-Norfolk

Coalition on the Niagara Escarpment

Claire Coates
Woodbridge

D.S. Colbourne
Chair (Interim)
Ontario Municipal Board

Robert J. Colclough
Paris

Ronald C. Cole
Stratford

Mr. and Mrs. A.W. Coles
North York

Collins Watershed Association
Kingston

Donna Colson*
Pembroke

Committee of Metro Local Area Councils

Community History Project
Toronto

Community Services Council
Newmarket

Concerned Citizens for Civic Affairs in North York

Concerned Citizens of Haldimand

Concerned Citizens of King Township

Concerned Citizens of West Lake
Picton

Concrete Precasters Association of Ontario

Confederation of Resident and Ratepayer Associations
Toronto

Richard W. Connelly
R.W. Connelly Associates
Carp

Conservation Council of Ontario

Consumers Gas
Toronto

Ruth Cooper
Ottawa

Ross R. Cotton
Reid and Associates
Barrie

Alan Coulter
Weston

Counsel Mortgage Corporation
Tim Bankier
Toronto

County of Brant

County of Bruce

County of Elgin

County of Elgin
Land Division Committee

County of Essex

County of Frontenac

County of Frontenac
Land Use Planning Committee

County of Grey

County of Haliburton

County of Hastings
Planning Advisory Committee

County of Kent

County of Lambton

County of Lennox and Addington

County of Middlesex

County of Oxford

County of Perth

County of Peterborough

County of Prince Edward

County of Renfrew

County of Simcoe

County of Victoria

County of Wellington

County Planning Directors of Ontario

Gary Cousins
Director of Planning and Development
County of Wellington

Judy Coward*
St. Catharines

Joan Coxhead
Scarborough

CP Rail System

Margaret Cranmer-Byng*
Richmond Hill

Paul Crawford
Scarborough

Credit Valley Conservation Authority

Credit Valley Conservation Authority
Township of Amaranth
Township of East Garafraxa
Township of Mono
Township of Caledon
Town of Orangeville

Phyllis Creighton
Conservation Council of Canada

Agatha Cretaro
Windsor

Douglas G. Cross
MSI
Milford Bay

W. Crouse
Kirkendall Neighbourhood Association
Hamilton

Wesley Crown
Township of Tay

Karl Crozier
Burk's Falls

W.R. Crozier
Richards Landing

Frances Crummer
Chatham

Kevin Cunningham
Thornton

Nancy Cunningham
Mayor
Town of Parry Sound

Dacon Corporation
Kingston

Fredric Dahms
Department of Geography
University of Guelph

Ronald Daigle
Nepean

Dr. E.B. Dakin
Kirkland Lake

Jens Dam
Moorefield

Harold Darch
Great Lakes Cruising Club
Barrie

David Barber and Associates
Scarborough

Robin Davidson-Arnott
Department of Geography
University of Guelph

Bernie Davis
Minden

Chris Davis
East Gwillimbury

Simon Davis
Simon Davis Architect Limited
Toronto

Taneda Dawes
Westbrook

Wilfred Day*
Port Hope

John de Boer*
St. Catharines

Marius F.M. de Bruyn
Oakville

Ronni de Meel
Northwest Niagara Ratepayers Association
Niagara Falls

Hugo de Quehen
Haldimand

Rod Dechert
Thornhill

Deer Park Ratepayers Group
Toronto

John DeGroot
Sarnia

Wilfred Delene
Arden

Delisle Place Tenants' Association
Toronto

Leo DeLoyde
Burlington

W. Hazel Deltor
Cambridge

John DeMarco
Windsor

John DeMarco
Vanier

Dr. Tom DeMarco
Toronto

Alan Demb
Publisher
Toronto Planning Digest

William Dennis
Tarzwell

Dr. Richard Denton
Kirkland Lake
Lillian Woodcock
Swastika

Patrick J. Devine
Goodman and Carr

L. deVries
Robinson, Merritt and deVries
North York

John Dewar
Richmond Hill

Oksana Dewer*
Richmond Hill

Rob Deyman
Acting Commissioner of Planning and Development
City of Waterloo

Richard Dickinson*
Lawyer
Pembroke

Rosemary Dickinson
Global Action Plan
London

Diana Dignam
Cobourg

Paul Dilse
Toronto

Jack Dingle*
Brighton

District Municipality of Muskoka

R.C. Dixon
Jewitt and Dixon
Simcoe

St. John Dixon-Warren
Toronto

Rob Dobrucki
Niagara Peninsula Homes

H.J. Doedens
Etobicoke

Don Mount Court Tenants' Association
Toronto

Murray Doner
Charlton

Lee D. Doran
Toronto

Drainage Superintendents Association of Ontario

Robert Drury
Reeve
Township of Oro

J. Norman Dueck
Niagara-on-the-Lake

Dufferin Aggregates
North York

Dufferin-Peel Roman Catholic Separate School Board

Albert W. Dugal
Greely

Kevin M. Duguay
Planner
City of Peterborough

Durham Board of Education

Durham Region Roman Catholic Separate School Board

Mrs. Duthie*
Presqu'ile Point

Paul F.J. Eagles
Department of Recreation and Leisure Studies
University of Waterloo

East Georgian Bay Historical Foundation

East Gwillimbury Heights Ratepayers Association

Eric Eberhardt
Sebringville

Barbara H. Eccles
Thunder Bay

Eco-Council of the Peterborough Area

Economic Developers Council of Ontario

Ecovision
Ottawa

Abbas Edun
North York

G.L. Edwards
Owen Sound

Jim Edwards
Artemesia

Whitney Edwards
Glenelg

Winston Egan*
Windsor

George Eggink
Gibbons and Eggink Construction
Jarvis

Paul M. Eker
Guelph

Jim Elder
Ottawa

Helga Elie
Simcoe County Federation of Agriculture

Elaine Elliott
Cobourg

Robert Elstone
Burlington Historical Society

Vera Emerson
Ajax

Environment Canada
Canadian Parks Service

Environment Canada
Canadian Parks Service (Ontario Region)

Environment North
Thunder Bay

Environmental Assessment Board

Environmentalists Plan Transportation
Toronto

Eramosa Community Sounding

Essex County Federation of Agriculture

Essex Region Conservation Authority

Doris and Frank M. Evans
Dundas

Doris Everard
Sundridge

Clare Eves
East Gwillimbury Water Shortage Association

Michael F. Ewasyn
Whitby

Stephen I. Fagyas
Delcan Corporation
North York

Gord Fairfield*
Cambridge

Robert Fairfield
Thornbury

Terry Faith*
Windsor

Peter T. Fallis
Fallis Fallis and McMillan
Durham

Linda Fardin
Ottawa

Ron Farrow
Department of Political Science
University of Western Ontario

Paul Faulds
Springfield

Murray G. Fearrey
Chairman
Planning Advisory Committee
Township of Dysart et al

Paul Featherstone
Oakville

Federation of Citizens' Associations of Ottawa-Carleton

Federation of Maganatawan Valley Conservation Associations

Federation of Ontario Cottagers' Associations

Federation of Ontario Naturalists

Jim Fell*
North Gower

Myrna Fenton
McKellar

Caroline and Donald Ferguson
Clarendon Station

Grant H. Ferguson
Peterborough

Andrew Fyfe
Orillia

Harry Finlay*
Stratford

Donald J. Finn
Minden

Kenneth G. Fish
Candevco Properties Group
Guelph

John Fisher
Village of Rodney
Two Tier Property Tax Committee

Susan Fisher
Ottawa

Fishermen Involved in Saving Habitat
Southern Ontario Chapter

Flamborough Local Architectural Conservation Advisory Committee

Arnold A. Flieler
Cloyne

Dennis R. Flood
North York

Cynthia Folzer
Guelph

Steven Fong
Architect
Toronto

Donald J. Forgie
Joanna McEwen
North Sound Association
Coldwater

Charles H. Forsyth
Hamilton

E.J. Fothergill
Fothergill Planning and Development
Hamilton

Edmund P. Fowler
Toronto

R.A. Fowler
Grey County

Marjorie Frances
Vennachar

Richard Frank
Department of Environmental Biology
University of Guelph

Margaret Frederick
Guelph

Aaron Freeman
Ottawa

Margaret R. French
Bracebridge

Art Frewin
Citizens' Expressway Committee
Stoney Creek

Frontenac County Board of Education

Frontenac Federation of Agriculture
Dudley Shannon

Cornelia Fuykschot
Gananoque

Stewart Fyfe
Kingston

Henk Gaasenbeek
Hamilton

Marcel L. Gagnon
Blind River

Robert J.P. Gale
Toronto

Joe Gallivan
Kingston

Ganaraska Region Conservation Authority

Robert Gateman*
Williamsford

Hugh Gayler
Department of Geography
Brock University

Gene Gemmell
Stirling

Georgian Bay Association

Georgian Triangle Development Institute

John Ghent
Town of Oakville

Bill Gibbons
Frankville

Ross Gibbons
London

Steve Gillespie*
London

Paul P. Ginou
Fraser and Beatty
Toronto

Glanbrook Residents Are for a Clean Environment
Binbrook

Glen Abbey Residents Association
Oakville

David Godley
Etobicoke

George A. Godwin
Toronto

Jack W.L. Goering
Port Hope

George A. Goetz
Reeve
Township of Carrick

Pauline Golightly
Leighland Community West
Burlington

Ken Gonyou
Landcorp Group
St. Catharines

Ted Goodier
Picton

Terry Goodwin
Thornhill

E.J. Gordon
Crossroads Building Corporation
Pickering

Joan and Lorne Gordon
Arden

Leeroy Gordon
Thornhill

Tom Gostick
Waubaushene

Ed Goulbourne*
Goulbourne Development

Laurie Gourlay
Ottawa

Derek G. Graham
Elora

John F.R. Graham
Schomberg

Lorna Graham
Reeve
Camden Township

Grand River Conservation Authority

Jack S. Grant
Seaton Group
Woodbridge

Jeremy M. Grant
Seaton Group
Woodbridge

Grassroots Woodstock

Roger H.W. Graves
North Gower

Greater Toronto Area Urban Design Group

Greater Toronto Home Builders' Association

Lorne William Green
Ajax

Green Party of Ontario
Frank de Jong

Allan R. Gregory
Ottawa

Grey Association for Better Planning

Grey Association for Development and Growth

Grey-Bruce Home Builders and Trade Association
Warren Dickert

Grey County Federation of Agriculture

Grey Sauble Conservation Authority

Grey Survival Team

Peter Grikes
Northland Planning Consultants
Dorset

W. Ross Grinnell
Markdale

C.R. Groves
Minesing

Guelph Coalition

Guelph Development Association
Sam Sorbara

Guelph and District Home Builders' Association

Guelph Field Naturalists

Alan P. Gummo
Picton

S. Gunaratnam
Scarborough

R. Gutnick
Ottawa

Calvin Hager
Brantford

Haldimand-Norfolk Federation of Agriculture*

Haliburton Forest and Wild Life Reserve

Haliburton, Kawartha and Pine Ridge District Health Council

Wilfred Hall
McDonald's Corners

Syd Halter*
Thunder Bay

Halton Access to Permanent Housing Committee

Halton Board of Education

Halton Region Conservation Authority

Halton Social Planning Council

Ted L. Halwa
Ted Halwa and Associates
London

S.E. Hamill
Merrickville

Dale Colleen Hamilton
Councillor
Township of Eramosa

Hamilton-Halton Home Builders' Association

Hamilton Region Conservation Authority

George A.M. Hancock
Ayr

Dr. Trevor Hancock
Toronto

Anne Hansen
Toronto

Helen Hansen
North York

Richard A. Hardie
Richard A. Hardie and Associates
Kitchener

Colin Hardman
Oakville

Ken Harris
Napanee

Louise Harris
Paris

Jim Harrison
Ottawa

John Harrison
Tempo Foundation
Owen Sound

Robert Harrison
Singhampton

Jim Hasler*
North Bay

Jary V. Havlicek
Allenford

Maureen J. Hayes
Grimsby

Rolly and Barb Hazell
Kitchener

H.J. Heath
Ottawa

Robert Heaton
Councillor
Village of Glen Williams

R.L. Heise
Guelph

Alan Heisey
Toronto

D.G. Hemple
Woodstock

Ole Hendrickson
Ottawa

John R. Henricks
Development Engineering
London

Heritage Canada

Heritage Resources Centre
Conserving Biodiversity Within the Canadian Great Lakes Basin (Conference)

Hickory Falls Ratepayers Association
Halton Hills

Hike Ontario!

Tom Hilditch
Rick Hubbard
Gartner Lee Limited
Markham

Nick Hill
Auburn

Mart Himma
J.G. Payette
Rockland

Douglas Hindson
Bobcaygeon

Brian Hinkley
Alternative Dispute Resolution Services

Geoffrey Hinton*
Gatton

John Hitchcock
Department of Geography
University of Toronto

John Hitchcock
Nigel Richardson
Department of Geography
University of Toronto

Elaine Hitchman
Commissioner of Planning
City of North York

R.G. Hockley
Havelock

Margaret Hoddinott*
Scarborough

Richard Hodge
Dennis Landry
Upper Canada Consultants
St. Catharines

Robert Hodgins
Gravenhurst

Stephen Hogbin
Owen Sound

Doreen Holland
Councillor
Township of Sioux Narrows

E.L. Hollingsworth
Sault Ste. Marie

Diane Holmes
Councillor
City of Ottawa

L.T. Hore
London

Vivian H. Hostetler
Cobalt

Chuck Hostovsky
R. Cave and Associates
Oakville

Vicki Hotte
Kettleby

G. Houle
Emsdale

Housing Action Now*
Toronto

Housing Development Resource Centre
Toronto

Margherita Howe*
Niagara-on-the-Lake

Dale Hoy
Ajax

Bill Hrinivich*
Dowling

Kenneth A. Hubert
Ottawa

Ronald Huffman
Aylmer

David Hughes
Councillor
Town of Caledon

Thomas E. Hughes
Scarborough

J. David Hulchanski
Faculty of Social Work
University of Toronto

Peter Hume*
Councillor
City of Ottawa

Rick Hundey
Chief Administrative Officer
Town of Exeter

C.G. Hunt
Lakehurst

Malcolm Hunt
City of Peterborough

James Hunter
Director/Curator
Huronia Museum
Midland

Judy Hunter
Kanata

Anne Hurd
McIlwraith Field Naturalists of London Ontario

Catherine Gabrielle Hurst
Toronto

Stefan Huzan
Thunder Bay

Hynde, Paul Associates
St. Catharines

Inclusive Neighbourhoods Campaign
Toronto

Interministerial Coordinating Committee on Alternative Uses of Abandoned Railway Rights-of-Way
Ministry of Transportation

International Association of Public Participation Practitioners (Ontario)

E. Iovio
Director of Planning
Town of Ancaster

Islington Ratepayers and Residents' Association
Etobicoke

Joseph Ivanski
Grimsby

Jane Jacobs
Toronto

Michael A. Jaeger
Toronto

Chris Jalkotzy
Ottawa

Ben James
Almonte

Charles H. Jefferson
Ottawa

Dave Jehk
McDonald's Corners

I.H. Jennings
Municipal Electric Association

Arne Jensen
Brighton Township

Carolyn Johnson
Pickering

Heather S. Johnson
Greer Galloway Group
Peterborough

Michael Johnson
Toronto

June Johnston
Lorne Johnston
Toronto

Larry Johnston
Thornhill

Wallace Johnston
Carp

T.K. Jones
Cavan

Graham W. Jordan
Gamsby and Mannerow
Owen Sound

G.W. Jorden
Barrie

Robert A. Joyce
Kingston

John Jung
Toronto

Gregory Kachmar
Burlington

Kanata Environmental Advisory Committee

J. Kandziora
Georgetown

Kapuskasing and District Planning Board

Lorraine Katryan*
Toronto

Jonathan Kauffman
Toronto

Kawartha Region Conservation Authority

Michael Keating
Department of Political Science
University of Western Ontario

Theresa Kellaway
Belleville

John Kelly
Dunnville

D.A. Kelman
St. George

Ross Kembar
Lakefield

Randall Kemp
Ottawa

Pearl Anne Kempen
Haldimand

Kenora-Keewatin Planning Board

Kent County Farm and Rural Organizations
Kent Federation of Agriculture
Christian Farmers' Federation of Ontario (Kent Chapter)

Kent Federation of Agriculture

J.W. Ketcheson
Belleville

Lloyd B. Kiely
Oakville

Marilyn King
Paul Robinson
Silver Creek Environmental Association
Halton Hills

Philip King
Mississauga

King Edward Avenue Task Force
Ottawa

Kingston District Chamber of Commerce

Kingston Environmental Action Project
John Calvert
Alternative Transportation Campaign

Kingston Frontenac Home Builders' Association

Austin Kirkby
Niagara-on-the-Lake

John D. Kirkby
Niagara-on-the-Lake

Laverne Kirkness
London

Caroline Kirkpatrick
Toronto

Kitchener-Waterloo Home Builders' Association

Ziggy Kleinau
Lindsay Township

Kleinburg and Area Ratepayers' Association

Mr. and Mrs. Russell Knight
Arden

Garnet Kranz*
Pembroke

Mark Krapez
Milton

Ralph Krueger
Waterloo

Frank Kumapley
Gloucester

Michael Kusner*
Professor of Planning
Ryerson Polytechnical Institute
Toronto

Frances Labelle
Bloor/Junction Neighbourhood Coalition

B.J. Lafleur
Kitchener

Chris LaForest
Bruce County

Ian Laird
Windsor

Bill Lake

Lake Huron Preservation Association
Douglas Banks

Lake Simcoe Region Conservation Authority

Lake of the Woods District Property Owners' Association

Lakefront Owners Association
Etobicoke

Lakehead Region Conservation Authority

Lakeshore Ratepayers' and Residents' Association
Etobicoke

David Lalonde
Councillor
Township of North Plantagenet

Lucien Lalonde
Director
Economic Development
County of Lanark

Peter Lambrick
Halton

Roger Lamont
Owen Sound

Lanark County Aggregate Association

Lanark Highlands Association for Sustainable Development

Land-Use Caucus
Ontario Environment Network

Landcorp Group
St. Catharines

Gerald Landry*
Nipigon

Reg Lang
Faculty of Environmental Studies
York University

Peter Langdon*
Toronto

F. Peter Langer
Markborough Properties
North York

David Langstaff
Reeve
Township of Howard

B. Lanktree
Waterloo

Ben Lansink
London

Robert J. Lapum
Peterborough

Ed Laramee
Ompah

Rene E.E. Larson
Erickson Larson

Connie Latam
Wheatley

Janice Lattin
TransCanada PipeLines
Calgary

R.B. Latulippe
Omemee

Jean Laundy
Toronto

Maria Laurie
Huntsville

W.E. Lautenbach
Director of Planning and Development
Regional Municipality of Sudbury

Michael Leahy

John Leaning
Leaning and Associates
Ottawa

Jeannine Lebel
Powassan

David M. Leclair
Kanata

Laurence Lee
Mayor
Town of Smiths Falls

Marilyn B. Lee
School of Environmental Health
Ryerson Polytechnical Institute
Toronto

Joseph D. Legris
Renfrew

Bob Lehman
Lehman and Associates
Barrie

Gerry Lemon
Port Hope

Tom Lemon
Kitchener

Jill Leslie
Hike Ontario!
Guelph

Hok-Lin Leung
School of Urban and Regional Planning
Queen's University

Neil Levac
Reeve
Township of West Hawkesbury

Sandy Levin
Political Action Caucus of Project Responsible City
London

Edward Lexton
Student Area Neighbourhood Development
Kingston

Steven Liggett
London and Middlesex Historical Society

John and Helen Light
Charlton

Lincoln Village Community Association
Waterloo

James M. Lindamood
Kearney

Ed Lindgren
Toronto

Franklin A. Lisse
Durham

Robert G. List
List Planning
Bracebridge

Nina-Marie E. Lister
Department of Geography
University of Toronto

Little Cataraqui Environment Association
Kingston

John W. Livey
Associate Commissioner of Planning
Regional Municipality of York

T.H. Lockyer
Lockyer Brothers
Orangeville

Peter Loebel
North York

Joseph Lofaro*
Toronto

Donald J. Logan
Hamilton

Logos Land Resort

John G. Lohuis
Ontario Parks Association

London Chamber of Commerce

London Development Institute

London and District Labour Council

London Local Architectural Conservation Advisory Committee

London and Middlesex Historical Society

London Society of Architects

Clayton Long
Port Elgin

Stan Louttit
Mushkegowuk Council

Catherine Lovelock
Sarnia

W.A. Lovelock
Whitby

Robert G. Loveys
Emsdale

Lower Thames Valley Conservation Authority

Lower Trent Region, Moira River, and Prince Edward Region Conservation Authorities

Allan R. Lowry
Almonte

Robert A. Loy
Powassan

Mr. and Mrs. Don Lyon
Kitchener

Donald R. MacDonald
Orillia

Rod MacDonald
Thessalon Planning Committee

William MacDonald
Councillor
Town of Cobourg

Bev MacDougall
Sarnia

Storm MacGregor
Toronto

Lou MacIntosh
Grafton

Samm MacKay
Waterloo

Elizabeth MacKenzie
Centretown Citizens' Community Association
Ottawa

Mary MacKenzie*
Sioux Lookout

Hugh W.S. Macklin
Linmac Inc.
Cobourg

J.W. MacLaren
Ministry of Municipal Affairs
Ontario Water Services Secretariat

Don MacLean
John Maskell
Faculty of Environmental Studies
University of Waterloo

Ian MacMillan
Elizabethtown Municipal Electors Association

Lyn MacMillan
Maple

J. Don MacMillan Limited
Listowel

Dr. Douglas MacPherson
Millgrove

Maitland Trail Association
R.M. LaFontaine

Maitland Valley Conservation Authority

H.J. Malec
North York

W.E. Mallory
Mallory Insurance Brokers
Barrie

Dan Manahan*
Thunder Bay

Andrew Mantha*
Stratford

March Rural Community Association
Kanata

Barbara Marshall
McNair and Marshall
Barrie

John Marshall
Humphrey Township Committee of Adjustment

Carol Marten
St. Catharines

Jim Martin
Brampton

Jim and Bill Martin
Township of Orillia

Larry Martin
School of Urban and Regional Planning
University of Waterloo

Lloyd Martin*
Thessalon

Luciano Martin*
Toronto

Marina Martin
Haldimand-Norfolk Organization for a Pure Environment

John Martyn
Sparta

Stuart Marwick*
Chatsworth

John Maskell
Faculty of Environmental Studies
University of Waterloo

Geoff Mason
Balderson and Area Community Association

Richard and Eileen Mason
Mississauga

Victoria Mason
Nepean

W.G. Mates
Tillsonburg

Chris Mathew*
Peterborough

Keith Matthie
Ontario Federation of Agriculture
Prince Edward County Branch

Vladimir Matus
Toronto

Larry Maughan
Parry Sound

Donald F. May
May, Pirie and Associates
Burlington

Penny May
Windsor

Dr. M. Mayhew
Pakenham

Dennis R. McCalla
Clarksburg

D'Arcy McCallum
Black River Protection Association
Mount Albert

Henry E. McCandless
Ottawa

J. Stewart McColl
Elder
Covenanted Baptist Church

Brian McComb
Planner
County of Prince Edward

S.R. McCormack
Councillor
Township of Mariposa

Doris A. McCormick
Watford

Michele McCormick
Community Housing Coordinator
Georgina Community Resource Centre

Bill McCrae*
Timmins

John G. McCubbin
Battersea Loughborough Associates
Kingston

Steve McDermott
Josh McDermott and Sons Construction
Port Carling

Don J. McDonald
Cornwall

James K. McDonald
Hartington

Robert Burns McDonald
Kingston

Gordon McEachern
Holstein

Mary Domagala McElroy
Newmarket

Fred McGeary
Neighbourhood Institute
Copper Trust Foundation
Cambridge

Bill McGintry*
Kirkland Lake

McIlwraith Field Naturalists of London Ontario

Gord McIntyre
Bolton

Rae McIntyre
Shallow Lake

Stuart McKay
Toronto

Warren McKinney
Ottawa

Don McLean
Friends of Red Hill Valley
Stoney Creek

Rod McLean*
Councillor

Ross McLean
Guelph

William R. McLean
Consult Associates
Nepean

Brent McMaster*
Bridgenorth

Sharon McMillan
Clerk/Administrator
Township of Lobo

David McNicoll
Ottawa

R.J. McTavish
Reeve
Township of North Easthope

Michael Measures
Ottawa

Peter Meisenheimer
Guelph

Kris Menzies
Planning Director
Township of Oro

James E. Merritt
Aylmer

Mary Lynn Metras
Councillor
City of London

Metro Toronto and Region Public Advisory Committee

Metro Toronto and Region Remedial Action Plan
Public Advisory Committee

Metropolitan Separate School Board
Toronto

Metropolitan Toronto and Region Conservation Authority

Metropolitan Toronto School Board

R.E. Michels
Executive Director
Atikokan Economic Development Corporation

Middlesex Federation of Agriculture

Charles Middleton*
Toronto

J.D. Milliken
School of Landscape Architecture
University of Guelph

Gordon C. Mills
Procor Limited
Oakville

Karen Mills
Hamilton

Kai Millyard
Toronto

Glen Milne
Ottawa

Ministry of Agriculture and Food

Ministry of Culture and Communications

Ministry of Culture, Tourism and Recreation

Ministry of Energy

Ministry of the Environment

Ministry of the Environment and Energy

Ministry of Government Services

Ministry of Housing

Ministry of Municipal Affairs

Ministry of Natural Resources

Ministry of Northern Development and Mines

Ministry of Transportation

Joe Miskokomon
Union of Ontario Indians

Miskwabi Area Cottagers' Association

Barry Mitchell
Federation of Ontario Cottagers' Associations

Janis Mitchell
Ajax

Reggie Modlich
Toronto

Moira River Conservation Authority

Ambrose Moran
Apsley

Guy W. Moreau
Wyevale

A.R. Morpurgo
Toronto

Lynda Morris
Hamilton

Basil Morrison*
Wahnapitae

Aaron Mountain
Williamsford

Joan Muir
Councillor
Township of Osprey

Ann Mulvale
Mayor
Town of Oakville

Municipal Electric Association

Municipal Engineers Association

Municipality of Metropolitan Toronto

Bill Munson
Toronto

Alex Munter
Councillor
City of Kanata

G.W. Murchison*
Storrington Township

Bill Murdoch
MPP
Grey

Charlie Murphy
Spencer Hutchison
Planners
City of Trenton

Stewart Murray*
Planner
Belleville

Arthur Muscovitch
Guthrie Muscovitch Architects
Etobicoke

Marilyn Mushinski
Councillor
City of Scarborough

Muskoka Community Workshop:
Muskoka Lakes Association
Muskoka Round Table on the Economy and Environment
District Municipality of Muskoka

Muskoka Lakes Association

Muskoka Land Division Committee

Paul Myer*
David Young*
Barrie

John and Pauline Nanni
Westminster

Napanee Region Conservation Authority

Cathy Nasmith
Nasmith Architect
Toronto

National Association of Industrial and Office Parks — The Association for Commercial Real Estate

National Capital Commission

National Farmers' Union
Westport

National Farmers' Union, Region 3 (Ontario)

J. Gordon Nelson
Department of Geography and Urban and Regional Planning
University of Waterloo

Kathi M. Nesbitt
St. Catharines

Emil Neukamm*
Elgin County

John C. Newell
Toronto

Niagara District Health Council
Fonthill

Niagara Escarpment Commission

Niagara Peninsula Conservation Authority

Niagara Peninsula Fruit and Vegetable Growers Association

Niagara Regional Local Architectural Conservation Advisory Committee

Niagara South Federation of Agriculture
Rick Rempel
President

Mark Niblett*
Frankford

Philip Niblett*
Environmental consultant
Peterborough

Wayne Nicholas
Hamilton Township Ratepayers' Association

Don Nickel
Buckhorn

Nickel District Conservation Authority

Mike Nickerson
Merrickville

Victor Norman
Reeve
Township of Cavan

Todd Norris
Kemptville

North Bay-Mattawa Conservation Authority

North Fredericksburgh Township Ratepayers Association*

North Simcoe Environmental Watch

North York Board of Education

North York University Women's Club
Environment and Resources Group

Northland Planning Consultants
Dorset

Northumberland Home Builders Association

Marjut Nousiainen
Thornhill

Luigi Nunno
Toronto

Del O'Brien*
Lawyer
Pembroke

Lynn O'Farrell
Onaping

Hugh G. O'Leary
Thunder Bay

Ronald Oelbaum
Toronto

Dan Oitzl*
Thunder Bay

Old University Neighbourhood Residents (Guelph)
Richard Shaw

Ray Olsen
Waterdown

Larry Onisto
Puslinch

Ontario Association of Architects

Ontario Association of Cemeteries
Ontario Catholic Cemetery Conference
Toronto Hebrew Memorial Park

Ontario Association of Committees of Adjustment and Consent Authorities

Ontario Association of Landscape Architects

Ontario Chamber of Commerce

Ontario Federation of Agriculture

Ontario Federation of Agriculture
Prince Edward County Branch

Ontario Federation of Anglers and Hunters

Ontario Healthy Communities Coalition

Ontario Historical Society
Dennis Carter-Edwards

Ontario Home Builders' Association

Ontario Hydro

Ontario Institute of Agrologists

Ontario Institute of Agrologists
Ottawa Valley Branch

Ontario Municipal Recreation Association
Paul Mainprize

Ontario Museum Association

Ontario Native Affairs Secretariat

Ontario New Home Warranty Program

Ontario Non-Profit Housing Association

Ontario Parks Association

Ontario Professional Planners Institute

Ontario Public School Boards' Association

Ontario Real Estate Association

Ontario Separate School Trustees' Association

Ontario Social Development Council

Ontario Society for Environmental Management

Ontario Tender Fruit Producers' Marketing Board

Ontario Trails Council

Ontario Urban Transit Association

Ontario Water Well Association
Groundwater Resources Committee

Orde School Parents' Council
Toronto

Orlando Corporation
Mississauga

Sue Orr
R.J. Burnside and Associates

Oshawa Committee of Adjustment

Oshawa-Durham Home Builders' Association

Otonabee Region Conservation Authority

Ottawa-Carleton Home Builders' Association

Ottawa-Carleton Round Table on the Environment

Ottawa-Carleton Wildlife Centre

Ottawa Valley Tourist Association

Ottawalk
Ottawa

Owen Sound Field Naturalists

Pacaud-Catharine and Area Ratepayers Association
Jean Jacques Morin

David A. Paine
A. Nelessen Associates
Ottawa

Paletta International Corporation
Stoney Creek

Alex P. Palilionis
Inverary

Marjory Pallister
Councillor
Township of Proton

Ray Parfitt
Orillia

William A. Parish
Ajax

Seldon Parker
Oakwood

Chris Parnell
Princeton

Noel Parrott
Norwood

Parry Sound and Area Planning Area

W.E. Parsons
Parsons, Wilson and Milton
Thunder Bay

Paudash Lake Conservation Association

Wayne Pearen
Sioux Lookout

Peel Board of Education*

D. Roland D. Peggs
Niagara-on-the-Lake

Tim Pellew
North York

Pengally Bay Ratepayers Association

N. Penner
Port Hope

Randy Percy*
Thunder Bay

Alan R. Perks
R.V. Anderson Associates
Ottawa

K.L. Perry
Director of Planning and Development
City of London

Peterborough County Board of Education

Peterborough County Coalition of Lake Associations

Peterborough and District Homebuilders Association

Peterborough Field Naturalists

Peterborough Real Estate Board

Peterborough Social Planning Council

Mark Peters*
Peterborough

Brad Peterson
Guelph

Lorne Peterson
Ottawa

Rhys Phillip
Ottawa

Pickering Rural Association

Pigeon Lake Environmental Association

Alain Pinard
Cambridge

Norman Pizzale*
Lawyer
London

Dave Plewes
Collingwood

Phil Poirier
Mayor
Cornwall

William Pol
Senior Planner
City of London

Port Darlington Community Association
Bowmanville

Port Rowan Builders and Developers Committee of the Long Point/Port Rowan Chamber of Commerce

Sandra Poulton
Lion's Head

A.S.M. Pound
Sharon

Murray Pound
Newmarket

Alan Powell*
Toronto

Michael Power
Mayor
Town of Geraldton

Jerry Prager
Creemore

Preservation of Agricultural Lands Society

Don Preston
Sundridge

C. Ronald Price
Market Vision
Burlington

Price Club Canada

George B. Priddle
Department of Environmental and Resource Studies
University of Waterloo

Ed Pridham
Simcoe County Federation of Agriculture

Cindy Prince
Planning consultant
Windsor

F. Promoli
Dorset

Prospectors and Developers Association of Canada

Carmen F. Provenzano
Frank S. Sarlo
Robert Paciocco
Joseph A. Bisceglia
Bonnie Ostroski
Sault Ste. Marie

Provincial Council of Women of Ontario

Public School Boards in Metropolitan Toronto

Helen Purdy
Guelph

Frank S. Pyka
London

Quadrangle Architects
Toronto

Peter Quail
St. George

Leal Quarrington
Grafton

Leal Quarrington
Barbara Wand
Concerned Citizens of Haldimand

Quinte Home Builders' Association*

R.J. Burnside and Associates
Orangeville

Richard Radford
Clerk/Planning Administrator
Town of Walkerton

John Radojkovic*

Ambrose Raftis
Charlton

Raisin Region Conservation Authority

Janine Ralph
Executive Director
Quinte Environmental Resources Alliance

V.N. Rampton
V.J. Land
Carp

B.R. Ransome
B.R. Ransome Well Drilling
Burk's Falls

Raymond, Walton, Hunter
Planning Consultants
Gravenhurst

David Raymont
Regal Heights Residents' Association
Toronto

Paul Raytik
Niagara-on-the-Lake

Real Estate Board of Ottawa-Carleton

J.W. Redden
Wabigoon

Norman C. Redick
Wyoming

Regal Heights Residents' Association
Toronto

Regional Chairs of Ontario

Regional Municipality of Durham

Regional Municipality of Haldimand-Norfolk

Regional Municipality of Halton

Regional Municipality of Hamilton-Wentworth

Regional Municipality of Niagara

Regional Municipality of Ottawa-Carleton

Regional Municipality of Peel

Regional Municipality of Peel
Land Division Committee

Regional Municipality of Sudbury

Regional Municipality of Waterloo

Regional Municipality of Waterloo
ROPP Heritage Advisory Committee
Jean Haalboom

Regional Municipality of York

Regional Planning Commissioners of Ontario

Henry E. Regts
Thames Valley Engineering
Chatham

Margaret W. Reid
Milton

Phil Reilly
Kinburn

Chuck Renaud
Kirkendall Neighbourhood Association
Hamilton

Renfrew County Law Society*
Jack Rouen

Renfrew County Planning Committee

Renfrew County Real Estate Board

Paul H. Rennick
Paul H. Rennick and Associates
Burlington

Residential Construction Trade and Supply Association of Ontario
Lawrence S. Gold

Residents Active in Development Decisions
Halton Hills

Paul Rhodes*
Stratford

Rice Capital Group
Brampton

S. George Rich
Elmira

Robert N. Richards
North York

Nigel H. Richardson
Toronto

Elizabeth Richter
Paul Richter
Waterloo

Rideau Valley, Mississippi Valley, and South Nation River Conservation Authorities

John L. Riley
Aurora

Barbara Rimmer
Peterborough

Riverdale Housing Action Group
Toronto

John Robert
Regional Municipality of Sudbury

M.L. Robertson
Allenford

Stephen Robichaud
Burlington

E.M. Robinson
Ottawa

Floyd Robinson
Leo Robinson
Sundridge

Helen Robinson
Collins Watershed Association

John Rodey
Mountainview Homes

William Rodgers

Rogers Real Estate Investments
Robert Cook
Mississauga

Charles V. Rolfe
Kinburn

Joanne Rosen
Norman Hill Realty
North York

Dan Ross
London:
Broughdale Community Association
Chesham Estates
London North Community Association
Peppertree Estates
Piccadilly Area Neighbourhood Association
St. George-Grosvenor Area Association
Trudell Subdivision
University Heights
Woodfield Community Association

Heather Ross
Timmins

Dr. Stephen G. Ross
Tottenham

Harvey Rotenberg
Toronto

Round Lake Local Service Board
William Dennis
Tarzwell

Round Table on Environment and Economy in Owen Sound and Area

Mahmood Rowghani
Kingston

Royal York Community Association
Etobicoke

Rupert Hotel Coalition
Toronto

Rural Developers in Storrington Township
Speros Kanellos

Rural Kanata Conservation Group

Rural Land Use Planning Students
University School of Rural Planning
University of Guelph

George H. Rust-D'Eye
Weir and Foulds
Toronto

Gail Rutherford
Halton Hills

Jim Ryan
Councillor
City of Burlington

Val Rynnimeri*
Toronto

Sables-Spanish Rivers Planning Board

Inge Saczkowski
Short-Changed Homeowners Against Faulty Towers Committee
Niagara-on-the-Lake

Doug Sadler
Peterborough

Safe City Committee
Toronto

Bill St. Arnaud
Toronto

St. Clair Region Conservation Authority

St. Joseph's School
Barrie:
Brett Carron
Erin Beatty
Robert Deal
Chad Cradock
Pamela Quinn
Angela Adamovich
Sean O'Hara

St. Marys River Binational Public Advisory Council
Sault Ste. Marie

Salter Research Services
Thomas J. Salter
Thorold

Andrew Sancton
Department of Political Science
University of Western Ontario

Philip J. Sanford
McCarthy Tétrault
Toronto

Terry Sararas
Director of Planning
Building and By-law
Town of Huntsville

Saugeen Economic Development Committee

Saugeen Valley Conservation Authority

Frank Saul
Ecology Retreat Centre
Orangeville

Sault Ste. Marie Region Conservation Authority

Jim Saunders
Stouffville

Rod Saunders
Walters Falls

Savard and Area Local Services Board
Charlton

Save the Ganaraska AGAIN

Save the Grove Committee
Arnprior

Save the Rouge Valley System*
Scarborough

T.J. Sawyer
North York

Scarborough Access to Permanent Housing

Michael Schierz
Grey Association for Development and Growth

Ronald Schlegel
Scott Morgan
James Schlegel
Ayr

F.P. Schneider
Waterloo

David Schultz
Grimsby

Andrew Schulz
Scarborough

Dan Schumacher
Waterloo

Rowland M. Schuster
Richmond Hill

Don Scott*
Wiarton

Norman E. Seabrook
Walters Falls

David J. Seal
Gananoque

Margaret E. Sears
West Carleton

Seaton Village Residents' Association
Toronto

Second Occupancy Steering Committee on Housing
Scarborough

Secretary-Treasurers of Northeastern Ontario Planning Boards:
Blind River and Suburban Planning Board
Espanola Planning Board
Hearst Planning Board
Himsworth South-Powassan-Trout Creek Planning Board
Humphrey-Rosseau-Christie Planning Board
Kapuskasing Planning Board
Manitoulin Planning Board
Parry Sound Area Planning Board
Sables-Spanish Rivers Planning Board
Sault Ste. Marie North Planning Board
Sudbury East Planning Board
West Nipissing Planning Board

Secretary-Treasurers of Northeastern Ontario Planning Boards:
Blind River and Suburban Planning Board
Espanola Planning Board
Hearst Planning Board
Kapuskasing Planning Board
Manitoulin Planning Board
Sables-Spanish Rivers Planning Board
Sudbury East Planning Board
Temagami Planning Board
West Nipissing Planning Board

Senior League Endowment Society of Collingwood

Bruno E. Seppala
Fort Frances

Service Providers Zoning Bylaw Task Force
Brantford

Severn Sound Remedial Action Plan
Public Advisory Committee

Richard Shapcott
Gore's Landing

Lance Sherk
Laura Torrible
University School of Rural Planning and Development
University of Guelph

Frank Sherwood
Owen Sound

Robert Shipley
Conestogo

Lester Shoalts*

Sierra Club of Eastern Canada

David Siksay
Whitby

Simcoe-Muskoka Program Committee (Ontario Professional Planners Institute)

S.G. Simmering
Oliver, Mangione, McCalla and Associates
Nepean

Ron Simmons
Durham

Six Nations Council
Oshweken

Robert H. Skeoch
Clerk/Treasurer
Township of Maryborough

Vladimir Skok
Kanata

James Slack
Chair
Sables-Spanish Rivers Planning Board

Allan Slater
Lakeside

Jamie Slingerland
Niagara-on-the-Lake

T. Slomke
Commissioner of Planning
City of Waterloo

R. Alan Smart
Guelph

Tom Smart
Miller O'Dell Planning Associates
St. Catharines

Fred Smith
Mountain Grove

G. Douglas Smith
East Parry Sound Municipal Committee

Gerald L. Smith
Parham

Jean Smith
Loretto

Morry Smith
North York

Nancy Smith*
Ottawa

Rodney L.K. Smith
Blaney, McMurtry, Stapells
Toronto

Stephen Smith
North York

Harold Snell
James R. Peck
Kingston

Ross Snetsinger
Toronto

Social Planning Council of Kingston and District

Social Planning Council of Metropolitan Toronto

Social Planning Council of Niagara Falls

Social Service Research and Advisory Group
Sudbury

Society of Industrial and Office Realtors/Canada

Soil and Water Conservation Society (Ontario)
D. Scott Slocombe
Ray H. Tufgar

Dawn Sommerer
Kanata

Sam Sorbara
Guelph

South Eastern Ontario Rails to Trails Association
Kingston

South Gloucester Community Association*
Charlotte Greer

South Nation River Conservation Authority

Alex Speigel
General Leaseholds
Toronto

C.M. Spek
Midhurst

Gilbert Sperry
Ennismore

Al Speyers
Nepean

Janet and Gunter Springer
EcoAction
Meaford

Susan Springthorpe
Richmond

Darwyn Sproule
Ompah

Stuart Starbuck*
New Tecumseh

Harry Stark
Waubaushene

Ron Steele*
St. Catharines

David Steen
Cheltenham

Bob Stevenson
Gloucester

Gary Stewart
Warden
County of Peterborough

J.T. Stewart
Sudbury Naturalists

James Stiver
Markham

Kay M. Stone
County Planner
United Counties of Stormont, Glengarry and Dundas

STORM (Save the Oak Ridges Moraine) Coalition

Storrington Committee Against Trash

Storrington Ratepayers Association
Battersea

Student Area Neighbourhood Development
Kingston

Student Planning Issues Group
Brock University

George Suba*
Niagara-on-the-Lake

Sudbury Real Estate Board

Michael J. Sullivan
Reid and Associates
Barrie

Sue Sullivan
Natural Heritage League

Betty Summerhayes
Mount Pleasant

Paul Sutherland
Chairman
Committee of Metro Local Area Councils

Swansea Area Ratepayers' Association
Toronto

R. Swanson
North Bay

Bob Swayze*
Pittsburgh Township

Sydenham Ward Tenants' and Ratepayers' Association
Kingston

M. Forbes Symon
Bruce County

Peter Tabuns
City Councillor
Toronto

Gordon Tanton
Stebbins Paving and Construction
Thamesford

Lev Tarasov
Rockwood

Mary Tasi-Wood
Tasi Wood and Associates
Ottawa

Arthur Tate
Township of Lavant, Dalhousie, and North Sherbrooke

Charles E. Taylor
Pallett Valo
Toronto

John Taylor
Taylor, Debrue and Johnson
Tilbury

Dick Teather
Ontario Tender Fruit Producers' Marketing Board

Donald E. Tedford
Barry's Construction and Installation
Sauble Beach

Tenant Advocacy Group
Toronto

Tenant/Landlord Coalition for Equal Taxation
Toronto

Andy Terauds
Ontario Institute of Agrologists
Ottawa Valley Land Use Committee

Thames Regional Ecological Association

Daniel J. Thomey
Port Hope

Lorne Thompson
Councillor
Township of Sidney

Timothy E. Thompson
Owen Sound

Tommy Thompson
Whitevale

Bill Thomson
Kitchener

Doug Thomson
Toronto

James M. Thomson
Toronto

Louise Thomson
Almonte

Sheila C. Thomson
Ottawa

Ken Thorn
Residents Active in Development Decisions
Halton Hills

Thunder Bay Chamber of Commerce

Thunder Bay Home Builders' Association

Thunder Bay Real Estate Board*

W. Dennis Tieman
Mining and Lands Commissioner

Timmins Chamber of Commerce
Civic Affairs Committee

Timmins Chamber of Commerce
Resources Committee

William Tindale*
Halton/Milborough Inc.

Brenton Toderian
Waterloo

Toronto Area Chief Building Officials Committee

Toronto Board of Education

Toronto Environmental Alliance

Toronto Food Policy Council

Toronto Historical Board

Toronto Region Architectural Conservancy

Toronto Society of Architects

Town of Ancaster

Town of Arnprior

Town of Aurora

Town of Blenheim

Town of Blind River

Town of Bothwell

Town of Bracebridge

Town of Brighton

Town of Caledon

Town of Campbellford
Planning Committee

Town of Carleton Place

Town of Cobourg

Town of Collingwood

Town of Dresden

Town of Dundas

Town of Englehart

Town of Espanola

Town of Exeter

Town of Flamborough

Town of Flamborough
Committee of Adjustment

Town of Georgina

Town of Gravenhurst

Town of Grimsby

Town of Halton Hills

Town of Hanover

Town of Hearst

Town of Huntsville

Town of Innisfil

Town of Kincardine

Town of Kirkland Lake

Town of LaSalle

Town of Lincoln

Town of Lindsay
Max Radiff
Mayor

Town of Markham

Town of Massey

Town of Meaford

Town of Meaford
Committee of Adjustment

Town of Meaford-Township of St. Vincent
Joint Planning Committee
Town of Midland
Town of Niagara-on-the-Lake
Town of Orangeville
Town of Parry Sound
Town of Pelham
Town of Penetanguishene
Town of Penetanguishene
Committee of Adjustment
Town of Petrolia
Town of Pickering
Town of Port Elgin
Town of Port Hope
Town of Richmond Hill
Town of Ridgetown
Town of Rockland
Town of St. Marys
Town of Simcoe
Town of Sioux Lookout (Staff)
Town of Tecumseh
Town of Thessalon
Town of Tillsonburg
Town of Walkerton
Committee of Adjustment
Town of Wasaga Beach
Committee of Adjustment
Town of Westminster
Town of Whitby
Town of Whitchurch-Stouffville
E.G. Townsend
Stayner
Township of Admaston
Township of Alberton
Township of Aldborough
Township of Alice and Fraser
Township of Amabel
Township of Amaranth
Township of Ameliasburgh
Township of the Archipelago
Township of Armour
Township of Athol
Township of Bagot and Blythfield
Township of Baldwin
Township of Bathurst
Township of Bayham
Township of Bentinck
Township of Black River-Matheson
Township of Bosanquet
John Russell
Deputy-Mayor
Township of Brighton
Township of Bromley
Township of Bruce
Township of Burleigh and Anstruther
Township of Camden
Township of Camden
Lorna Graham
Reeve
Township of Cardiff
Township of Cavan
Township of Chandos
Township of Chapleau
Township of Chisholm
Township of Clarendon and Miller
Township of Cockburn Island
Township of Collingwood
Township of Conmee
Township of Cramahe
Township of Culross
Township of Cumberland
Township of Dalton
Township of Dover
Township of Dunwich
Township of Dysart et al
Township of East Zorra-Tavistock
Township of Eastnor
Township of Ekfrid
Township of Elderslie
Township of Elizabethtown
Township of Ellice
Township of Ennismore
Township of Erin
Township of Ernestown
Township of Essa
Township of Euphemia
Township of Foley
Township of Galway and Cavendish
Township of Georgian Bay
Township of Glanbrook
Township of Glenelg
Township of Golden
Township of Grattan
Township of Greenock
Township of Grey
Township of Hagarty and Richards
Township of Hallowell
Township of Hamilton
Township of Harvey
Township of Harwich
Township of Raleigh
Township of Hibbert
Township of Hillier
Township of Himsworth South
Township of Holland
Township of Hope
Township of Horton
Township of Howard
Township of Humphrey
Township of Huron
Township of Kingston
Township of Lake of Bays
Township of Lavant, Dalhousie and North Sherbrooke
Township of Limerick*
Township of Longueuil
Township of Lutterworth
Township of Macdonald, Meredith and Aberdeen Additional
Township of Malahide
Township of Malden
Township of Maryborough
Township of Matchedash
Township of McGillivray
Township of McKellar
Township of McMurrich
Township of Medonte
Committee of Adjustment
Township of Melancthon
Township of Mersea
Township of Minto
Township of Montague
Township of Moore
Township of Murray
Township of Muskoka Lakes

Township of Muskoka Lakes Ratepayers' Association

Township of Nichol

Township of Nipigon

Township of Norfolk

Township of North Algona

Township of North Crosby

Township of North Dumfries

Township of North Fredericksburgh

Township of North Monaghan*

Township of Nottawasaga

Township of Oliver

Township of Onondaga

Township of Orillia

Township of Oro
Planning Advisory Committee

Township of Osgoode

Township of Osprey

Township of Otonabee

Township of Pakenham

Township of Petawawa

Township of Pickle Lake

Township of Pittsburgh

Township of Plummer Additional

Township of Prince

Township of Puslinch
Planning Advisory Committee

Township of Raglan

Township of Ramsay

Township of Rideau

Township of Robb Taxpayers Association

Township of Roxborough

Township of St. Edmunds

Township of St. Vincent

Township of Saugeen

Township of Sebastopol

Township of Shedden

Township of Sheffield

Township of Shuniah

Township of Sidney

Township of Snowdon

Township of South Algona

Township of South Dorchester

Township of South Dumfries

Township of South Dumfries
Committee of Adjustment

Township of South Fredericksburgh

Township of South Fredericksburgh
Committee of Adjustment

Township of South Gower

Township of the Spanish River

Township of Stafford

Township of Pembroke

Township of Stephen

Township of Storrington

Township of Strong

Township of Sullivan

Township of Tarbutt and Tarbutt Additional

Township of Tay

Township of Vespra

Township of West Carleton

Township of West Garafraxa

Township of West Lincoln

Township of Wilberforce

Township of Williamsburg

Township of Wilmot

Township of Wolfe Island

Township of Woolwich

Townships of Barrie, Bedford, Clarendon and Miller, Hinchinbrooke, Kennebec, Olden, Oso, Palmerston and North and South Canonto

Townships of Belmont and Methuen

Townships of Griffith and Matawatchan

Townships of Howe Island, Loughborough, Portland, Storrington and Wolfe Island
Simon Ainley

Townships of Rolph, Buchanan, Wylie and McKay

Townships of Sherwood, Jones and Burns

Sidney H. Troister
Torkin, Manes, Cohen and Arbus
Toronto

Trout Unlimited Canada*
Toronto

Rita Ubriaco
Thunder Bay

Union Gas
Chatham

Union of Ontario Indians

United Counties of Stormont, Dundas and Glengarry

United Counties of Stormont, Dundas and Glengarry
Land Division Committee

United Townships of Head, Clara and Maria

University of Guelph
Graduate School of Landscape Architecture

University of Waterloo
Ph.D. Planning Forum

Unterman McPhail Cuming Associates
Toronto

Upper Thames River Conservation Authority

Stephen Upton
Tridel
Toronto

Urban Development Institute

Urban Forest Citizens' Committee of the City of Ottawa

Urban League of London
Sandy Levin

Urban and Regional Information Systems Association
Ontario Chapter

Urban Tomorrow
Toronto

Sheila Urquhart
Kathleen Popadick
Riverside Park Green Team
Ottawa

Anthony Usher
Toronto

John E. Valeriote
Guelph

David Vallance
Toronto

John D. Vallee
G. Douglas Vallee Limited
Simcoe

Peter van Ballegooie*
Thunder Bay

Jim Vanden Hoek
Wolfe Island

Bessel J. VandenHazel
St. Thomas

Ted Vanderlans
Harley

Jan Vandermeer
Timmins

Joell Vanderwagen
Toronto

Michael B. Vaughan
Toronto

John Veltkamp
Millgrove

Bob Verdun
Elmira Indpendent/The Independent National Edition

Victor Veri
Hamilton

Jerrine Verkaik
Bentinck Community Action Network
Elmwood

C. Robert Vernon
Toronto

Victoria County Board of Education

Victoria County Federation of Agriculture

Reino J. Viitala*
Thunder Bay

Village of Bancroft*

Village of Barry's Bay

Village of Beachburg*

Village of Braeside

Village of Colborne

Village of Dundalk

Village of Hilton Beach

Village of Killaloe

Village of Lakefield

Village of Lancaster

Village of Lion's Head

Village of Merrickville

Village of Millbrook

Village of Omemee

Village of Point Edward

Village of Rockcliffe Park

Village of Vienna

Noble A. Villeneuve
MPP
Stormont, Dundas, Glengarry and East Grenville

Audrey Voice
Gloucester

Ernst von Bezold
Maple

George C. Wadlow
Scarborough

Victor Wagner
Dorval

Wilfred Walker*
Toronto

George A. Wallace
Cobden

Ken Wallenius
Sault Ste. Marie

Norman K. Walpole
Waterford

David Walsh
Realco Property Limited

Barbara Wand
Haldimand

G.D. Warne

Randy Warwick
R.T. Warwick Construction
Perth

Waterloo Federation of Agriculture

Waterloo Strategic Planning Board

Steven Watt*
Lawyer
Sudbury

Catherine E. Webb
Etobicoke

Len Weber
Amy Hoffarth-Weber
Hanover

Klaus Wehrenberg
Aurora

Barry Wellar
Department of Geography
University of Ottawa

Glenn Wellings*
Georgetown

Wellington County Board of Education

Wellington Federation of Agriculture
Properties Committee

John W. Wells
Courtice

Susan Wells*
Dryden

Wentworth County Board of Education

West Carling Association
Nobel

West Humber Naturalists
Woodbridge

West Rouge Community Association
Scarborough

Elma Westlake
Bolton

Westnor Limited
Janet Dey
Toronto

Wetlands Preservation Group of West Carleton

Harry R. Whale
Hanover

Randy Whaley
Whitby

Whaley's Corners Ratepayers Association*
Brampton

Dan White
Otonabee Region Conservation Authority

George E. White
Minesing

James White
InfoResults Limited
Brampton

Ken Whiteford
Planning Commissioner
County of Oxford

Ted Whitworth
Port Rowan

Frank Wieland
Councillor
Village of Lanark

Brian Wilcock
Guelph

Linda Wilcox*
Lawyer
Peterborough

Wildlife Habitat Canada
David J. Neave

Warren W. Wiley
St. Catharines

Sherrill Willard
Ajax

Simon Willemse
Parkhill

Blair Williams
Councillor
Township of Kenyon

Ray Williamson*
Thunder Bay

Albert Willis
Guelph

Donald E. Willmott
Owen Sound

Willow Beach Field Naturalists
Port Hope

Wilmot Local Architectural Conservation Advisory Committee

D.W. Wilson
Oshawa

Hamish Wilson
Edifix
Toronto

Wilson, Jack and Grant
Fergus

Charles J. Winfield
Kirkfield

Mark S. Winfield
Canadian Institute for Environmental Law and Policy
Toronto

Peter J. Wintemute
Farlane Environmental Protection Association
Winnipeg

Lee Wisener
Sounding of Eramosa

Women Plan Toronto

J. David Wood
Department of Geography
York University

WoodGreen Community Housing
Toronto

Christine and Richard Woodley
Kanata

Woolwich Sustainable Development Committee
Elmira

H.F. Wright
Ministry of the Environment
Thunder Bay

R.H. Wright
City Engineer
City of Thunder Bay

Lloyd Yeates
Callander

Yonge Street Area Ratepayer Associations
North York

York Region Board of Education

Peter Zabarauckas
Gridnet
Mississauga

Joe R. Zammit
Mississauga

Richard Zelinka
London

George J. Zeller
Peterborough

Richard Zohr
Bonnechere Métis Association

Michael Zudel
Timmins

Appendix F

Publications of the Commission on Planning and Development Reform in Ontario

Draft Report of the Commission on Planning and Development Reform in Ontario. 1992.

Planning and Development Approval Activity. Background Report to the Commission on Planning and Development Reform in Ontario. Lehman & Associates. July 1992.

New Planning News. Ann Silversides (Editor). 1991-1992.

Articles in New Planning News

Volume 1, Number 1 (September/October 1991)

These days, almost everyone is unhappy with the planning process in Ontario

The New Planning Commission: Commissioners spell out goals, objectives

Commission's impartiality questioned

Volume 1, Number 2 (November/December 1991)

Planning goals: what kind of future do we want?

"Toronto solutions," OMB, environment cited as key concerns province-wide

Working group volunteers keen on the process

Goals: a shared direction in planning/common ground

Draft goals:
- Urban Working Group
- Urban Fringe Working Group
- Rural/Small Centres Working Group
- Northwestern Working Group
- Northeastern Working Group

Volume 1, Number 3 (December 1991)

Septic issue "a sleeping giant": widespread use raises contamination concerns

Broadening process is challenge of phase 2

Draft goals:
- Northeastern Working Group
- Lake, Riverine, and Cottage Country Working Group

Septic system failures turn upscale subdivision into public health hazard

About septic tank systems

Volume 2, Number 1 (March 1992)

Commissioners learn on the road: forums draw crowds

Cost, environment put intensification on the agenda

Thoughtful presentations help identify issues:
- Major issues raised at the January forums

Intensification:
- Shopping centres: a new lease on life?
- Compact communities: rethinking new development

Provincial and municipal spending: does it discourage efficiency?

Planning process scrutinized as work begins on phase 2

Volume 2, Number 2 (April 1992)

Province would set policies, municipalities would gain new approval powers: discussion papers product of extensive meetings

Planning issues aired on radio

Widespread consultation forms basis of Commission's approach

Draft goals, spring '92:
- Planning goals — a second draft/planning direction should reflect "provincial truths"

Reforming the planning process:
- Ideas for discussion
- A summary of proposals for reform
- Principles and objectives
- The provincial role
- The municipal role
- Public involvement
- The role of developers
- Conflicts, disputes and conformity

Volume 2, Number 3 (July 1992)

- Rural planning: doing things differently in the country
- Septic update
- Interim report
- Joint planning issues highlighted at forums
- Strategic planning helps prepare for the future: a new local option
- Trend to lower densities in smaller centres hard to reverse
- Alternative systems for treating wastewater
- Urban intensification: rules, misunderstanding inhibit progress
- Commission background report: planning and development approvals

Volume 2, Number 4 (September 1992)

- Commission presents some proposals on nitty gritty of planning reform: okay, but how will it work?
- Provincial roles:
  - Provincial policy-making
  - Provincial planning ideas
- Municipal roles:
  - Upper-tier and lower-tier municipal planning
  - Planning in the North
  - Strategic planning
  - Proposed requirements for municipal plans
- Environment:
  - Planning and the environment
  - Conservation authorities and watershed planning
- Development:
  - Development control — ideas for change
  - Development standards
  - Encouraging intensification

Volume 2, Number 5 (November 1992)

- Tying it all together: draft Report, further consultation on the horizon
- First Nation, North Bay, enjoy "open-door policy"
- Letter from Minister of Municipal Affairs, Dave Cooke
- Participants focus on details at third set of public forums
- Draft proposal on municipal planning and Aboriginal peoples

Selected Bibliography

The following publications were used as background information by the Commission in completing its work. Some of the key publications from the Commission's entire library collection of several thousand items will be integrated eventually into the library at the University of Guelph.

Acres International Limited and Proctor & Redfern Limited. 1993. *Watershed strategy: final report*. Thunder Bay, Ont.: Lakehead Conservation Authority.

Association of Conservation Authorities of Ontario. 1992. *A conservation strategy for the conservation authorities of Ontario*. Toronto: the Association.

Beak Consultants Limited, Aquafor Engineering Limited, and Douglas Weatherbe Associates Inc. 1992. *Credit Valley water management strategy: phase II*. Meadowvale, Ont.: Credit Valley Conservation Authority.

Berridge Lewinberg Greenberg Ltd. 1991. *Study of the reurbanisation of Metropolitan Toronto*. Toronto: Municipality of Metropolitan Toronto.

Berridge Lewinberg Greenberg Ltd. and Steven Fong Architect. 1991. *The City of Toronto: building on main streets*. Toronto: City of Toronto, Planning and Development Department.

Burlington (Ont.: Municipality). 1991. *Burlington future focus: strategic planning: a process that works*. Burlington, Ont.: City of Burlington.

Canada. Environment Canada. 1991. *The state of Canada's environment 1991*. Ottawa: Government of Canada.

Canada. Environment Canada, State of the Environment Reporting Office. 1991. *A report on Canada's progress towards a national set of environmental indicators*. Ottawa: the Department.

Canada. Royal Commission on the Future of the Toronto Waterfront. 1990. *Watershed: interim report*. David Crombie, Commissioner. Toronto: the Commission.

Canada. Royal Commission on the Future of the Toronto Waterfront. 1992. *Regeneration: Toronto's waterfront and the sustainable city: final report*. David Crombie, Commissioner. Toronto: the Commission.

Comay Planning Consultants Ltd. and others. 1973. *Subject to approval: a review of municipal planning in Ontario*. Toronto: Ontario Economic Council.

The Coopers & Lybrand Consulting Group. 1990. *Ontario Municipal Board: a report on a comprehensive review of operations*. Toronto: Ontario. Ministry of the Attorney General.

Doering, Ronald L. and others. 1991. *Planning for sustainability: towards integrating environmental protection into land-use planning*. A discussion paper prepared for the Royal Commission on the Future of the Toronto Waterfront. Toronto: Canada. Royal Commission on the Future of the Toronto Waterfront.

Eagles, Paul F.J. 1984. *The planning and management of environmentally sensitive areas*. New York: Longman.

Fisher, John. 1992. *Planning for ecological integrity on a watershed basis around lake Ontario*. A thesis submitted to the Committee on Graduate Studies in partial fulfilment of the requirements for the Degree of Master of Arts in the Faculty of Arts and Science, Canadian Heritage and Development Studies MA Program-June 1993. Peterborough, Ont.: Trent University.

Fowler, Edmund P. 1991. *Building cities that work*. Kingston, Ont.: McGill-Queen's University Press.

Gartner Lee. 1993. *City of Vaughan subwatershed study (part II): a functional ecosystem assessment: draft*. Maple, Ont.: City of Vaughan.

Golder and Associates. 1990. *Hydrogeological study: Township of Kingston, Ontario*. Kingston, Ont.: Township of Kingston.

Griffiths, Ronald W. 1990. *Establishing the carrying capacity for environmentally sustained development in Grey County: an ecosystem approach applied on a catchment basis*. London, Ont.: Ontario. Ministry of Natural Resources, Water Resources Assessment Unit, Southwestern Region.

Halton (Ont.: Regional Municipality). Planning and Development Department. 1993. *Draft new regional plan: official plan for the Halton Planning Area*. Oakville, Ont.: the Department.

Hemson Consulting Ltd. 1990. *Comparative analysis of planning approval systems*. 4 volumes. Toronto: Ontario. Ministry of Municipal Affairs.

IBI Group and others. 1990. *Greater Toronto Area urban structure concepts study: background reports 1-7*. Toronto: Greater Toronto Co-ordinating Committee.

Insight Educational Services Limited. 1992. *Provincial interests and land use planning: how to deal effectively with escalating provincial involvement in the planning process*. Mississauga, Ont.: Insight Educational Services Limited.

Kanter, Ron. 1990. *Space for all: options for a Greater Toronto Area greenlands strategy*. Toronto: Ontario. Ministry of Natural Resources.

Krieger, Alex (Editor). 1992. *Andres Duany and Elizabeth Plater-Zyberk: towns and town-making principles*. Cambridge, Massachusetts: Harvard University Graduate School of Design

Michael Michalski Associates and Anthony Usher. 1988. *Rideau lakes boating management study*. Ottawa: Canada. Environment Canada.

Mitchell, Bruce and Dan Shrubsole. 1992. *Ontario conservation authorities: myth and reality*. Department of Geography Publication Series No. 35. Waterloo, Ont.: University of Waterloo, Department of Geography.

Municipal Engineers Association. 1993. *Class environmental assessment for municipal sewage and water projects: final draft 2*. n.p.: the Association.

New Jersey State Planning Commission. 1992. *Communities of place: the New Jersey state development and redevelopment plan*. Trenton, New Jersey: the Commission.

Newman, Peter G. and Jeffrey Kenworthy. 1989. *Cities and automobile dependence: an international sourcebook.* Aldershot, Hants., England: Gower Publishing.

Nova Scotia. Department of Municipal Affairs, Provincial Planning Section, Community Planning Division. 1991. *Provincial planning-Canadian overview: background paper.* Halifax, N.S.: the Department.

Ontario. 1978. *Food land guidelines.* A policy statement of the Government of Ontario on planning for agriculture. Toronto: Government of Ontario.

_____. 1986. *Mineral aggregate resources: policy statement.* A statement of Ontario Government policy issued under the authority of section 3 of the Planning Act 1983. Toronto: Government of Ontario.

_____. 1988. *Flood plain planning: policy statement.* A statement of Ontario Government policy issued under the authority of section 3 of the Planning Act 1983. Toronto: Government of Ontario.

_____. 1989. *Land use planning for housing: policy statement.* A statement of Ontario Government policy issued under the authority of section 3 of the Planning Act 1983. Toronto: Government of Ontario.

_____. 1992. *Wetlands: policy statement.* A statement of Ontario Government policy issued under the authority of section 3 of the Planning Act 1983. Toronto: Government of Ontario.

Ontario. AMO/Industry/Government Steering Committee. 1992. *The planning and development approvals process: towards a more effective planning system.* Toronto: Ontario. Ministry of Housing and Ministry of Municipal Affairs.

Ontario. Advisory Committee to the Minister of Municipal Affairs on the Provincial-Municipal Financial Relationship. 1991. *Report.* Toronto: Ontario. Ministry of Municipal Affairs.

Ontario. Conditional Grants Review Committee. 1990. *Final report: conditional grants review.* Toronto: Ontario. Ministry of Municipal Affairs.

Ontario Environmental Assessment Advisory Committee. 1988. *Request for designation of redevelopment of the motel strip lands in the City of Etobicoke.* Report No. 33 to the Minister. November 10, 1988. Toronto: the Committee.

_____. 1989. *The adequacy of the existing environmental planning and approvals process for the Ganaraska Watershed.* Report No. 38 to the Minister. November 15, 1989. Toronto: the Committee.

Ontario Fair Tax Commission. 1992. *Searching for fairness.* Toronto: the Commission.

Ontario. Minister's Advisory Committee on New Heritage Legislation. 1992. *Report.* Toronto: Ontario. Ministry of Culture and Communications.

Ontario. Ministry of Agriculture and Food. 1992. *An agricultural land protection program for Ontario: a discussion paper.* Toronto: the Ministry.

Ontario. Ministry of the Environment. 1990. *Toward improving the environmental assessment program in Ontario.* Toronto: the Ministry.

_____. 1992. *Guideline for the responsibility for communal water and sewage works and communal sewage systems.* Toronto: the Ministry.

_____. 1992. *Guideline on planning for sewage and water services.* Toronto: the Ministry.

Ontario. Ministry of the Environment, Environmental Assessment Branch. 1992. *Guideline for preparing environmental assessment proposals.* Toronto: the Ministry.

Ontario. Ministry of the Environment, Operations/Central Region Muskoka-Haliburton District Office. 1992. *Cottage pollution control program 1989 survey.* Toronto: the Ministry.

Ontario. Ministry of the Environment, Water Resources Branch and Regional Operations Division. 1992. *Report on the 1990 discharges from municipal sewage treatment plants in Ontario.* 2 volumes. Toronto: the Ministry.

Ontario. Ministry of the Environment and Ministry of Natural Resources. 1992. *Interim guidelines: water resource management on a watershed basis: implementing an ecosystem approach: draft.* Toronto: the Ministries.

Ontario. Ministry of the Environment, Ministry of Natural Resources, and Ministry of Municipal Affairs. 1992. *Interim guidelines for integrating provincial water resource management objectives into municipal planning documents.* Toronto: the Ministries.

Ontario. Ministry of Housing and Ministry of Government Services. 1991. *Government land for housing: questions for consultation.* Toronto: the Ministries.

Ontario. Ministry of Housing and Ministry of Municipal Affairs. 1992. *Apartments in houses: a consultation paper on legislative amendments to allow one apartment in a house.* Toronto: the Ministries.

Ontario. Ministry of Municipal Affairs. 1985. *Niagara Escarpment plan.* Toronto: the Ministry.

_____. 1991. *Open local government.* Toronto: the Ministry.

_____. 1992. *Growth and settlement: policy guidelines.* Toronto: the Ministry.

_____. 1992. *Municipal financial information 1990.* Toronto: the Ministry.

_____. 1992. *Provincial financial assistance to municipalities, boards and commissions 1992-93.* Toronto: the Ministry.

Ontario. Ministry of Municipal Affairs, Community Development Branch. 1991. *Profiles of local strategic planning initiatives: strategic planning at the local level.* Toronto: the Ministry.

Ontario. Ministry of Municipal Affairs, Community Planning Wing, Research and Special Projects Branch. 1986. *Maps: map index for community planning in Ontario.* Toronto: the Ministry.

Ontario. Ministry of Municipal Affairs and Ministry of Housing. 1992. *Streamlining guidelines: the development review process.* Toronto: the Ministries.

Ontario. Ministry of Municipal Affairs and Housing. 1982. *Urban development standards: a review.* Toronto: the Ministry.

Ontario. Ministry of Natural Resources. 1992. *Flood plain planning in Ontario: technical guidelines.* Toronto: the Ministry.

Ontario. Ministry of Natural Resources, Parks Recreational Branch, Outdoor Recreation Group. 1988. *Implementation strategy: areas of natural and scientific interest*. Toronto: the Ministry.

Ontario. Ministry of Natural Resources, Provincial Parks and Natural Heritage Branch, Policy Division. 1992. *A natural heritage areas strategy for Ontario: responding to the endangered spaces challenge: draft for discussion*. Toronto: the Ministry.

Ontario. Ministry of Natural Resources and Ministry of Municipal Affairs. 1992. *Manual of implementation guidelines for the wetlands policy statement*. Toronto: the Ministries.

Ontario. Ministry of Transportation and Ministry of Municipal Affairs. 1992. *Transit-supportive land use planning guidelines*. Toronto: the Ministries.

Ontario. Native Affairs Secretariat and Ministry of Citizenship, Native Community Branch. 1992. *Akwesasne to Wunnumin Lake: profiles of Aboriginal communities in Ontario*. Toronto: the Secretariat and the Ministry.

Ontario. Office of the Greater Toronto Area, Human and Social Development Working Group. 1992. *Planning for people and communities in the Greater Toronto Area: report of the human and social development working group*. Toronto: the Office.

Ontario. Planning Act Review Committee. 1977. *Report of the Planning Act Review Committee*. Eli Comay, Chairman. Toronto: the Committee.

Ontario Planning Administration Grant Review Committee. 1990. *Report*. Toronto: the Committee.

Ontario Round Table on Environment and Economy. 1992. *Restructuring for sustainability*. Toronto: the Round Table.

Ontario Round Table on Environment and Economy, Native People's Circle on Environment and Development. 1991. *Draft Report*. Toronto: the Round Table.

Ontario Round Table on Environment and Economy, Urban Development and Commerce Task Force. 1992. *Urban development and commerce: sectoral task force report*. Toronto: the Round Table.

Ontario Task Force on the Environmental Bill of Rights. 1992. *Report*. Toronto: Ontario. Ministry of the Environment.

Ontario Wildlife Working Group. 1991. *Looking ahead: a wildlife strategy for Ontario*. Toronto: Ontario. Ministry of Natural Resources.

Oregon. Department of Land Conservation and Development. 1990. *Oregon's statewide planning goals*. Salem, Oregon: the Department.

Ottawa (Ont.: Municipality). Department of Engineering and Works, Environmental Branch. 1993. *The City of Ottawa's municipal environmental evaluation process (MEEP): guidelines for application*. Ottawa: the Department.

Ottawa-Carleton (Ont.: Regional Municipality). Regional Working Committee on Alternative Development Standards. 1991. *Alternative development standards: proposals to reduce housing costs*. Ottawa: Regional Municipality of Ottawa-Carleton, Planning Department.

Ottawa-Carleton Regional Review Commission. 1992. *Final report*. Graeme M. Kirby, Commissioner. Ottawa: Ontario. Ministry of Municipal Affairs.

Paehlke, Robert. 1991. *The environmental effects of urban intensification*. Toronto: Ontario. Ministry of Municipal Affairs, Municipal Planning Policy Branch.

Paragon Engineering Limited. 1992. *Review of private sewage disposal systems in the Province of Ontario: Ontario New Home Warranty Program*. Toronto: Ontario New Home Warranty Program.

Planning Initiatives Ltd. 1992. *Aggregate resources of southern Ontario: a state of the resource study: draft*. Toronto: Ontario. Ministry of Natural Resources.

Prince Edward Island. Royal Commission on the Land. 1990. *"Everything before us": report of the Royal Commission on the Land*. Douglas B. Boylan, Chairman. Charlottetown, P.E.I.: the Commission.

Romanelli, Terry Ann and Claude Marchand. 1991. *The delegation of planning responsibilities in Canada*. Toronto: Intergovernmental Committee on Urban and Regional Research.

RuBino, Richard G. and Harvey M. Jacobs. 1990. *Mediation and negotiation for planning, land use management, and environmental protection: an annotated bibliography of materials for the period 1980-1989*. CPL Bibliography No. 264. Chicago, Illinois: Council of Planning Librarians.

Sancton, Andrew. 1991. *Local government reorganization in Canada since 1975*. Toronto: Intergovernmental Committee on Urban and Regional Research.

Sonntag, N.C. and others. 1987. *Cumulative effects assessment: a context for further research and development*. A background paper. Ottawa: Canadian Environmental Assessment Research Council.

United States. Environmental Protection Agency. 1992. *Manual of appropriate wastewater treatment/disposal technologies for small communities*. Washington, D.C.: the Agency.

Waterloo (Ont.: Regional Municipality). Planning and Development Department. 1991. *State of the environment report 1991: final report and discussion paper*. Waterloo, Ont.: Regional Municipality of Waterloo.

Waterloo Centre for Groundwater Research (University of Waterloo) and others. 1992. *Ontario farm groundwater quality survey: winter 1991/92*. Ottawa: Canada. Agriculture Canada.

World Commission on Environment and Development. 1987. *Our common future*. G.H. Brundtland, Chairman. Oxford and New York: Oxford University Press.

Yaro, Robert D. and others. 1990. *Dealing with change in the Connecticut River valley: a design manual for conservation and development*. Cambridge, Massachusetts: Lincoln Institute of Land Policy and the Environmental Law Foundation.

New Planning for Ontario

John Sewell
Chair

George Penfold
Commissioner

Toby Vigod
Commissioner

Wendy Noble
Executive Director

Tom Moull
Senior Researcher

Greg Tokarz
Senior Planner

David McLaughlin
Planner

Dale Moore
Librarian

Allison Savaria
Assistant to the Chair

Elizabeth Sinclair
Secretary

Marilyn Gillis
Receptionist

Inge Sardy
Administrator

Linda McClenaghan
Secretary

Diana Crosbie
Crosbie Communications

Darlene Varaleau
Public Forum Coordinator

Ann Silversides
Editor

Dan Liebman
Editor

Blair Kerrigan/Glyphics
Designer

Excelcom-Translex
French Translation

The Commission would also like to thank planners Laura Atkins and Barbara Muirhead for their work in analysing submissions. In addition, the work of Gary Boyer, Margaret Groves, Alan Hayter, Kirsten Johnson, and Christine Mitchell has been much appreciated.

Commissioners and Executive Director

(clockwise from top left) John Sewell, Chair; George Penfold, Commissioner; Toby Vigod, Commissioner; Wendy Noble, Executive Director

John Sewell, Chair

John Sewell is a lawyer by training, but has spent a diverse career as a writer, teacher, journalist, and politician. He worked as a community organizer in Toronto after graduating from the University of Toronto with a B.A. in 1961 and an LL.B. in 1964. From 1969 to 1978, and 1981 to 1984, he served as an alderman with Toronto City Council. He was mayor of Toronto from 1978 to 1980. Mr. Sewell has been a regular urban affairs columnist for *The Globe and Mail* and *NOW* magazine, was chair of the Metro Toronto Housing Authority from 1986 to 1988, and has taught law and political and social science at York University. As well, he has written two books on urban issues, with a third to be published later this year.

George Penfold, Commissioner

George Penfold has spent his entire professional life specializing in rural and agricultural issues. A professor at the University of Guelph's University School of Rural Planning and Development, he took a leave of absence to serve with the Commission. Professor Penfold began his career in 1968 as an agricultural extension engineer with the Ontario Department of Agriculture and Food. Between 1976 and 1981, he was a rural planner with the Huron County planning department in Goderich. He joined the School of Rural Planning and Development in 1981. Professor Penfold is a member of the Canadian Institute of Planners and the Association of Professional Engineers of Ontario. He has a B.Sc. in engineering from the University of Guelph and an M.Sc. from the Centre for Resources Development and Agricultural Economics at Guelph.

Toby Vigod, Commissioner

Toby Vigod has been practising environmental law since 1980. During her tenure with the Commission, she has been on leave from her position as executive director of the Canadian Environmental Law Association (CELA). Ms. Vigod received her B.A. from the University of Toronto and her LL.B. from Queen's University, and she was called to the Ontario Bar in 1980. She has been counsel to CELA since that time. She has written extensively in the area of environmental law and has appeared as counsel before a variety of federal and provincial administrative tribunals and courts on environmental matters. Ms. Vigod has taught at the Faculty of Law and the School of Public Administration at Queen's University, as well as at the University of Toronto's Faculty of Law. From 1988 to 1992, she was a member of the Ontario Round Table on Environment and Economy.

Wendy Noble, Executive Director

Wendy Noble has 20 years of experience dealing with planning and municipal policy issues. Before joining the Commission, she was the director of the Municipal Planning Policy Branch with the Ontario Ministry of Municipal Affairs. Ms. Noble has worked for the Province of Ontario since 1980 in a variety of capacities, including various assignments involving reviews of regional and county governments and a stint in Cabinet Office. From 1973 to 1978, she worked as a municipal planner for the City of Toronto and then ran her own consulting firm before joining the provincial government. Ms. Noble has an M.Sc.Pl. in planning from the University of Toronto.

Ontario